

ARKANSAS DEPARTMENT OF ENERGY AND ENVIRONMENT
DIVISION OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

City of Hot Springs
780 Adams Street
Hot Springs, AR 71901

Case #: CAO-AMEND-25-06

Regional Wastewater Treatment Plant
320 Davidson Drive
Hot Springs, AR 71901

Permit No. AR0033880
AFIN 26-00145

Southwest Wastewater Treatment Plant
365 Winkler Road
Hot Springs, AR 71901

Permit No. AR0050148
AFIN 26-00444

AMENDMENT NO. 003 TO CONSENT ADMINISTRATIVE ORDER

By mutual agreement of the City of Hot Springs (Respondent) and the Division of Environmental Quality (DEQ), the Consent Administrative Order (CAO) LIS 08-099, as amended by CAO LIS 08-099-001, as amended by CAO LIS 08-099-002, is hereby amended as follows:

1. Respondent and DEQ have agreed to amend the Findings of Fact Section of CAO LIS 08-099, as amended by CAO LIS 08-099-001, as amended by CAO LIS 08-099-002, with the addition of the following paragraphs:

40. On August 15, 2008, DEQ and Respondent executed CAO LIS 08-099, for which no civil penalty was assessed. On June 28, 2011, CAO LIS 08-099-001 was executed with a civil penalty of One Hundred Five Thousand Dollars (\$105,000.00) for the violations listed.

41. On January 24, 2022, DEQ and Respondent executed a second amendment to CAO LIS 08-099 to extend the timeframe for Respondent to complete construction activities necessary to achieve compliance with the Permit. Amended CAO LIS 08-099-002 included a revised milestone schedule and a new final compliance date of December 30, 2024, to address effluent limitation exceedances, which was incorporated as fully enforceable terms of the amended CAO, and a new final compliance date of December 31, 2030, to address all SSOs.

42. CAO LIS 08-099-002 included an assessed civil penalty of Ten Thousand Two Hundred Dollars (\$10,200.00) for the violations listed and conditionally suspended Eight Thousand Two Hundred Dollars (\$8,200.00) of the civil penalty. DEQ agreed to dismiss the suspended penalty of Eight Thousand Two Hundred Dollars (\$8,200.00) if Respondent complied fully with the terms of CAO LIS 08-099-002. In CAO LIS 08-099-002, dismissal of the suspended penalty remained contingent upon Respondent complying fully with the terms of CAO LIS 08-099-002.

43. On December 30, 2024, Respondent submitted a request to DEQ to amend CAO LIS 08-099, as amended by CAO LIS 08-099-001, as amended by CAO LIS 08-099-002. The request included a revised milestone schedule to complete construction of

improvements to the wastewater treatment plant and outfall and a new final date of compliance of October 30, 2026.

44. Respondent failed to certify compliance with the effluent limitations of the Regional Permit by the final compliance date of December 31, 2024, as required by CAO LIS 08-099, as amended by CAO LIS 08-099-001, as amended by CAO LIS 08-099-002.

45. On June 23, 2025, DEQ conducted a review of certified Discharge Monitoring Reports (DMRs) submitted by Respondent in accordance with the Regional Permit.

46. The review revealed that Respondent reported the following violations of the permitted effluent discharge limits detailed in Part I.A of the Regional Permit from June 1, 2021, through May 31, 2025:

- a. Twenty-six (26) violations of Total Suspended Solids;
- b. Twenty-two (22) violations of Carbonaceous Biochemical Oxygen Demand;
- c. Fifteen (15) violations of Ammonia Nitrogen;
- d. Thirteen (13) violations of Fecal Coliform Bacteria; and
- e. Five (5) violations of Total Phosphorus.

47. Each of the eighty-one (81) discharge limitation violations listed in Paragraph 46 above constitutes a separate Permit violation for a total of eighty-one (81) separate violations of Ark. Code Ann. § 8-4-217(a)(3).

48. The review of the DMRs further revealed that Respondent failed to submit the following DMR values by the due date for outfall TX1-Q:

- a) For the monitoring period ending June 30, 2022:
 - a. Whole effluent toxicity - retest #1
 - b. Whole effluent toxicity - retest #2
 - c. WET, sublethal retest #1
 - d. WET, sublethal retest #2
 - e. Whole Effluent Toxicity - Retest #3
- b) For the monitoring period ending December 31, 2022:
 - a. Whole Effluent Toxicity, Sub-Lethal Retest #3
 - b. Whole effluent toxicity - retest #1
 - c. Whole effluent toxicity - retest #2
 - d. WET, sublethal retest #1
 - e. WET, sublethal retest #2
 - f. Whole Effluent Toxicity - Retest #3
 - g. Whole Effluent Toxicity, Sub-Lethal Retest #3

49. The review of the DMRs also revealed that Respondent failed to conduct analysis for the monitoring period ending March 31, 2023, for DMR TX1-Q for *Ceriodaphnia dubia*. Failure to monitor the effluent in accordance with the requirements set forth in Part I.A of the Regional Permit is a violation of Part I.A of the

Regional Permit and therefore is a violation of Ark. Code Ann. § 8-4-217(a)(3).

50. DEQ conducted a review of the Sanitary Sewer Overflows (SSOs) reported by Respondent in accordance with the Regional Permit for the period of July 1, 2021, through May 31, 2025. The review revealed that Respondent reported 281 SSOs, totaling approximately 46 million gallons¹. Respondent is permitted to discharge treated municipal wastewater from its permitted outfall. Respondent is not permitted to discharge untreated wastewater from its collection system. Each SSO constituted an unpermitted discharge. Each unpermitted discharge violated the Regional Permit and Ark. Code Ann. § 8-4-217(b)(1)(E) and therefore violated Ark. Code Ann. § 8-4-217(a)(3).

51. DEQ conducted a review of the SSOs reported by Respondent in accordance with the Southwest Permit for the period of July 1, 2021, through May 31, 2025. The review revealed that Respondent reported 58 SSOs totaling approximately 5.8 million gallons. Respondent is permitted to discharge treated municipal wastewater from the Southwest Plant. Respondent is not permitted to discharge untreated wastewater from its collection system. Each SSO constituted an unpermitted discharge. Each unpermitted discharge violated the Southwest Permit and Ark.

¹ The total number of 281 SSOs, totaling approximately 46,000,000 gallons, does not include reported SSOs that discharged to Gulpha Creek, nor SSOs reported as an upset condition requiring use of the blending valve.

Code Ann. § 8-4-217(b)(1)(E) and therefore violated Ark. Code Ann. § 8-4-217(a)(3).

52. On January 12, 2026, DEQ proposed CAO-AMEND-25-06 to Respondent.

53. On January 16, 2026, DEQ and Respondent met via online video conference call to discuss the proposed CAO and penalty amount.

54. On February 11, 2026, Respondent submitted a request to DEQ to revise the proposed CAO. The request was for an administrative reduction in the proposed penalty and minor changes to the cited DMR and SSO data.

2. Respondent and DEQ have further agreed to amend the Order and Agreement Section of CAO LIS 08-099, as amended by CAO LIS 08-099-001, as amended by CAO LIS 08-099-002, by deleting Paragraph 1 and replacing the paragraph with the following:

1. Respondent shall comply with the terms, milestone schedule, and final compliance date contained in the updated milestone schedule submitted on June 7, 2021, as revised by the Regional Plant Improvements Extension Request, dated December 30, 2024:

a. Respondent shall complete the Regional Plant improvements to address effluent limitation exceedances by October 30, 2026. The final compliance report shall be submitted by October 30, 2026; and

b. Respondent shall complete all collection system improvements to address all SSOs by December 31, 2030.

The final compliance report shall be submitted by December 31, 2030.

3. Respondent and DEQ have further agreed to amend the Order and Agreement Section of CAO LIS 08-099, as amended by CAO LIS 08-099-001, as amended by CAO LIS 08-099-002, with the addition of the following paragraph:

13. Within thirty (30) calendar days of the effective date of this amended CAO, Respondent shall submit part of the suspended penalty assessed from CAO LIS 08-099-002 in the amount of Six Thousand One Hundred Fifty Dollars (\$6,150.00) for failure to comply fully with the terms of CAO LIS 08-099-002. Ten percent (10%) of the penalty shall be paid as reimbursement to DEQ for administrative costs associated with this CAO amendment. Payment can be made online using the Financials tab of your site in SEEK or mailed in by check. Paper check payments require the Compliance Action Number be referenced in the memo line of the check and be made payable to: DEQ, Fiscal Division, 5301 Northshore Drive, North Little Rock, Arkansas 72118-5317. In the event that Respondent fails to pay the civil penalty within the prescribed time, DEQ shall be entitled to attorneys' fees and costs of collection.

4. All provisions of CAO LIS 08-099, as amended by CAO LIS 08-099-001, as amended by CAO LIS 08-099-002, not explicitly modified by CAO-AMEND-25-06 shall remain in full force and effect and are hereby incorporated by reference.

5. This CAO-AMEND-25-06 is subject to public review and comment in accordance with Ark. Code Ann. § 8-4-103(d) and 8 CAR pt 11. This Amendment is effective upon the DEQ Director and Chief Administrator of Environment's signature. DEQ retains the right for thirty (30) calendar days following the close of the public comment period to rescind this Amendment based upon the comments received within the thirty (30) day public comment period notwithstanding the public notice requirements.

6. Nothing in this Amended CAO CAO-AMEND-25-06 shall be construed as a waiver by DEQ of its enforcement authority over alleged violations not specifically addressed in CAO LIS 08-099, as amended by CAO LIS 08-099-001, as amended by CAO LIS 08-099-002. Also, this Amended CAO does not exonerate Respondent from any past, present, or future conduct that is not expressly addressed in CAO LIS 08-099, as amended by CAO LIS 08-099-001, as amended by CAO LIS 08-099-002, as amended by CAO-AMEND-25-06, nor does it relieve Respondent of its responsibilities for obtaining any necessary permits.

7. Other than as set forth herein, this Amended CAO may not be altered, amended, or terminated except by written agreement signed by DEQ and by Respondent, or by action of DEQ exercising the right of rescission pursuant to Paragraph 5 above.

8. This Amended CAO has been reviewed and approved by the City Council of Respondent in a duly convened meeting with a quorum present. See copy of meeting minutes or resolution attached as Exhibit A.

9. The City Council of Respondent has authorized the Mayor and city clerk/treasurer to sign this Amended CAO on behalf of Respondent. See Exhibit A.

10. The City Council of Respondent has authorized the Mayor and city clerk/treasurer to expend funds for compliance activities required by this Amended CAO including but not limited to the payment of a civil penalty. See Exhibit A.

It is so ordered.

Consent Administrative Order - Approval Form

version 1.8

(Submission #: HQM-8YAJ-ZZ799, version 1)

Digitally signed by:
SEEK Prod - Internal
Date: 2026.04.16 14:35:02 -05:00
Reason: Copy Of Record
Location: State of Arkansas

Details

Submission ID HQM-8YAJ-ZZ799

Form Input

Consent Administrative Order

Case Number
CAO-AMEND-25-06

Consent Administrative Order Attachment
CAO-AMEND-25-06 Re-Proposed.pdf - 03/23/2026 10:42 AM
Comment
NONE PROVIDED

Agreements and Signature(s)

SUBMISSION AGREEMENTS

- ☒ I am the owner of the account used to perform the electronic submission and signature.
- ☒ I have the authority to submit the data on behalf of the facility I am representing.
- ☒ I agree that providing the account credentials to sign the submission document constitutes an electronic signature equivalent to my written signature.
- ☒ I have reviewed the electronic form being submitted in its entirety, and agree to the validity and accuracy of the information contained within it to the best of my knowledge.

Respondent Signatory Authority

I certify that I am authorized to execute this CAO and to legally bind Respondent to its terms and conditions.

Signed By Bill Burrough on 04/01/2026 at 5:31 PM

Chief Administrator of Environment and DEQ Director, Arkansas Department of Energy and Environment

This CAO is agreed to and ordered as of the date of my signature.

Signed By Bailey Taylor on 04/16/2026 at 2:34 PM

RESOLUTION NO. 10884

A RESOLUTION APPROVING CERTAIN AMENDMENTS TO CONSENT ADMINISTRATIVE ORDERS THE CITY OF HOT SPRINGS, ARKANSAS HAS ENTERED INTO WITH THE ARKANSAS DEPARTMENT OF ENERGY & ENVIRONMENT, DIVISION OF ENVIRONMENTAL QUALITY (DEQ); AND FOR OTHER PURPOSES.

WHEREAS, it is in the City's best interest to enter into an agreement with DEQ to amend Consent Administrative Order LIS 08-099 and LIS 22-007 for permits AR0033880 and AR0050148 in order to resolve violations of the Arkansas Water and Air Pollution Control Act; and

WHEREAS, the City Manager, City Engineer, or other designated persons, working with a Professional Engineer, have developed a plan of action to address the issues listed in the proposed amendments to the Consent Administrative Orders.

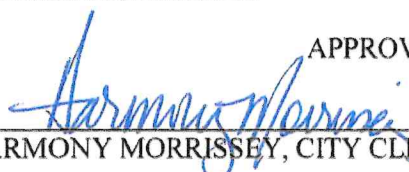
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF HOT SPRINGS, ARKANSAS:

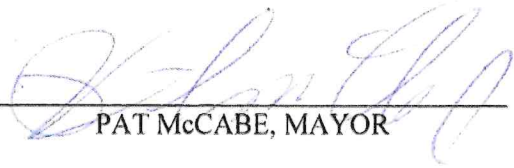
Section 1: That the Board of Directors, having reviewed the proposed amendments to the Consent Administrative Orders in a duly convened regularly held business meeting with a quorum present, hereby approves proposed amendments CAO-AMEND-25-06 and CAO-AMEND-25-19.

Section 2: That the Board of Directors authorizes the City Manager to electronically execute and the proposed amendments to the Consent Administrative Orders; and further authorizes the City Manager to serve as the responsible official for permits AR0033880 and AR0050148 and any Industrial Stormwater (ARR00) and Construction Stormwater (ARR15 or ARR10) permits.

Section 3: That the Board of Directors hereby authorizes the City Manager and Finance Director to expend funds for compliance activities required by the proposed Consent Administrative Order including but not limited to the payment of a civil penalty as set forth in the proposed Consent Administrative Order.

PASSED: April 21, 2026

ATTEST: 
HARMONY MORRISSEY, CITY CLERK

APPROVED: 

PAT McCABE, MAYOR