

ARKANSAS DEPARTMENT OF ENERGY AND ENVIRONMENT
DIVISION OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

City of Hot Springs
320 Davidson Drive
Hot Springs, AR 71902

Compliance Action #: CAO-AMEND-25-19
Permit No. AR0033880
AFIN 26-00145

AMENDMENT NO. 001 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 22-007 is hereby amended as follows:

1. Respondent and DEQ have agreed to amend the Findings of Fact Section of CAO LIS 22-007 with the addition of the following paragraph:

22. On January 24, 2022, DEQ and Respondent executed CAO LIS 22-007, which assessed a civil penalty of Sixty-Four Thousand Dollars (\$64,000.00) for the violations listed and conditionally suspended Fifty-One Thousand Two Hundred Dollars (\$51,200.00) of the civil penalty. DEQ agreed to dismiss the suspended penalty of Fifty-One Thousand Two Hundred Dollars (\$51,200.00) if Respondent complied fully with the terms of CAO LIS 22-007.

23. On June 3, 2025, Respondent submitted a request to DEQ to amend CAO LIS 22-007. The request included a revised milestone schedule to complete construction of the remaining three (3) phases of the gravity interceptor improvements and a new final date of compliance of September 15, 2027.

24. Respondent failed to certify compliance by the final compliance date of September 30, 2024, as required by CAO LIS 22-007.

25. On June 6, 2025, DEQ granted the extension request.

26. On June 6, 2025, DEQ conducted a review of the SSOs reported by Respondent in accordance with the Permit for the period of July 1, 2021, through June 6, 2025. The review revealed that Respondent reported 155 SSOs that entered Gulpha Creek, totaling approximately 121 million gallons. 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 Part I.A of the Permit and Ark. Code Ann. § 8-4-217(b)(1)(E) and therefore violated Ark. Code Ann. § 8-4-217(a)(3).

27. On January 12, 2026, DEQ proposed CAO-AMEND-25-19 to Respondent.

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

29. On February 11, 2026, Respondent submitted a request to revise the proposed CAO. The request was for an administrative reduction in the proposed penalty.

2. Respondent and DEQ have further agreed to amend the Order and Agreement Section of CAO LIS 22-007 by deleting Paragraph 4 and replacing the paragraph with the following:

4. On or before September 15, 2027, Respondent shall submit a certification of compliance from a Professional Engineer (P.E.) licensed in the state of Arkansas, stating that the corrective actions listed in the revised milestone schedule for Gulpha Basin Remediation for manhole 1750, dated June 3, 2025, have been completed and that Respondent has completed the repair and remediation of the collection system line along Gulpha Creek.

3. The Order and Agreement Section of CAO LIS 22-007 is also amended with the addition of the following paragraph:

15. 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 22-007 in the amount of Nine Thousand Six Hundred Dollars (\$9,600.00) for failure to comply fully with the terms of CAO LIS 22-007. Ten percent (10%) of the recalled 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.

4. All provisions of CAO LIS 22-007 not explicitly modified by this CAO-AMEND-25-19 shall remain in full force and effect and are hereby incorporated by reference.
6. This Amended CAO is subject to public review and comment in accordance with Ark. Code Ann. § 8-4-103(d) and 8 CAR Part 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.
7. As provided by 8 CAR Part 11, this matter is subject to being reopened upon Commission initiative or in the event a petition to set aside this Amendment is granted by the Commission.
8. Nothing contained in this Amendment shall relieve Respondent of any obligations imposed by any other applicable local, state, or federal laws. Except as specifically provided herein, nothing contained in this Amendment shall be deemed in any way to relieve Respondent of responsibilities contained in the permit.
9. Nothing in this Amended CAO shall be construed as a waiver by DEQ of its enforcement authority over alleged violations not specifically addressed herein. In addition, this Amended CAO neither exonerates Respondent from any past, present, or future conduct that is not expressly addressed herein, nor relieves Respondent of the responsibilities for obtaining any necessary permits.
10. 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 6 above.

11. 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.

12. 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.

13. 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-8YDY-WQ75H, version 1)

Digitally signed by:
SEEK Prod - Internal
Date: 2026.04.16 14:34:50 -05:00
Reason: Copy Of Record
Location: State of Arkansas

Details

Submission ID HQM-8YDY-WQ75H

Form Input

Consent Administrative Order

Case Number
CAO-AMEND-25-19

Consent Administrative Order Attachment
CAO-AMEND-25-19 Re-Proposed.pdf - 03/23/2026 10:47 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 5:28 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.

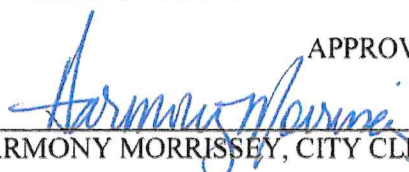
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF HOT SPRINGS, ARKANSAS:

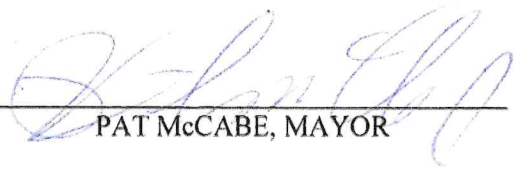
Section 1: That the Board of Directors, having reviewed the proposed amendments to the Consent Administrative Orders in a duly convened regularly held business meeting with a quorum present, hereby approves proposed amendments CAO-AMEND-25-06 and CAO-AMEND-25-19.

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