



**DIVISION OF
ENVIRONMENTAL QUALITY**

Sarah Huckabee Sanders
GOVERNOR

Shane E. Khoury
SECRETARY

August 27, 2024

Lindsay Wallace, Secretary
Arkansas Department of Corrections
Cummins Unit
P.O. Box 8707
Pine Bluff, AR 71603

Email: Lindsay.Wallace@doc.arkansas.gov

**RE: NPDES Permit Number: AR0040827, AFIN: 40-00016
Executed Amended Consent Administrative Order LIS 22-063-001**

Dear Secretary Wallace,

Enclosed is a fully executed copy of the Consent Administrative Order (CAO) LIS 22-063-001. The Order became effective upon the Chief Administrator's signature on August 21, 2024. This CAO Amendment is subject to public review and comment in accordance with Ark. Code Ann. § 8-4-103(d). Public notice of this CAO Amendment will be published on or about September 8, 2024.

To assist you with meeting the deliverable requirements of this CAO, DEQ has created a personalized compliance checklist for you enumerating each deliverable due to DEQ and the due date for each enumerated deliverable. Your personalized compliance checklist is enclosed with this letter.

Please refer to CAO LIS in any written correspondence to DEQ. Should you have any questions, please feel free to contact me directly at 501-682-0699 or tiana.toups@arkansas.gov.

Sincerely,

A handwritten signature in black ink that reads 'Tiana Toups'.

Tiana Toups
Compliance Analyst, OWQ, DEQ

cc: Richard Cooper, DOC, Richard.Cooper@doc.arkansas.gov
Chris Ashcraft, DOC, Chris.AshCraft@doc.arkansas.gov
James J. Flannery, DOC, James.Flannery@doc.arkansas.gov
Sandra Jefferson, DOC, Sandra.Jefferson@doc.arkansas.gov
Jason Temple, McClelland Consulting Engineers, Inc., jtemple@mce.us.com
Adam Triche, McClelland Consulting Engineers, Inc., atrichem@mce.us.com
Ben Cobb, McClelland Consulting Engineers, Inc., bcobb@mce.us.com

Enclosures Executed CAO Amendment LIS 22-063-001
Compliance Checklist

Permittee:	ADC - Cummins Unit	CAO LIS #	22-063-001
Permit Number:	AR0040827	AFIN:	40-00016
CAO Execution Date:	August 21, 2024		
Public Notice Date:	September 8, 2024		
Effective Date:	August 21, 2024		
Compliance Analyst:	Tiana Touns		
Submit Reports To:	ee.water.enforcement.report@arkansas.gov		

In accordance with the Consent Administrative Order (CAO) executed by Arkansas Department of Corrections - Cummins Unit and the Division of Environmental Quality (DEQ) on the above-referenced date, the following action items, itemized below, must be completed by the due dates set forth below in order to comply with the CAO.

No.	Action Items	Due Date	Date Completed
1.	Submit Quarterly Progress Report	10.15.2024	
2.	Submit Quarterly Progress Report	01.15.2025	
3.	Submit Quarterly Progress Report	04.15.2025	
4.	Submit Quarterly Progress Report	07.15.2025	
5.	Submit Quarterly Progress Report	10.15.2025	
6.	Submit Quarterly Progress Report	01.15.2026	
7.	Submit Quarterly Progress Report	04.15.2026	
8.	Submit Quarterly Progress Report	07.15.2026	
9.	Submit Quarterly Progress Report	10.15.2026	
10.	Submit Quarterly Progress Report	01.15.2027	
11.	Submit Quarterly Progress Report	04.15.2027	
12.	Submit Quarterly Progress Report	07.15.2027	
13.	Submit Quarterly Progress Report	10.15.2027	
14.	Submit Final Compliance Certification	12.31.2027	

Further, failure to comply with the CAO may result in the assessment of stipulated penalties as set forth in the Order and Agreement section of the CAO.

Please contact the above-named Compliance Analyst if you have any questions.

ARKANSAS DEPARTMENT OF ENERGY AND ENVIRONMENT
DIVISION OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

Arkansas Department of Corrections
Cummins Unit
P.O. Box 8707
Pine Bluff, AR 71603

LIS No. 22-063-001
Permit No. AR0040827
AFIN 40-00016

AMENDMENT NO. 001 TO CONSENT ADMINISTRATIVE ORDER

By mutual agreement of the Arkansas Department of Corrections - Cummins Unit (Respondent) and the Division of Environmental Quality (DEQ), the Consent Administrative Order (CAO) LIS 22-063 is hereby amended as follows:

1. Respondent and DEQ have agreed to amend the Findings of Fact Section of CAO LIS 22-063 with the addition of the following paragraph:

17. On October 13, 2023, Respondent submitted a request to DEQ to amend CAO LIS 22-063. The request included a revised milestone schedule to complete construction of the new wastewater treatment plant and a new final date of compliance of March 29, 2026.
18. On January 2, 2024, DEQ conducted a review of the certified Discharge Monitoring Reports (DMRs) submitted by Respondent in accordance with the Permit.
19. The review revealed that Respondent reported the following violations of the permitted effluent discharge limits detailed

in Part 1, Section A of the Permit from July 1, 2021, through June 30, 2024:

- a. Thirty-one (31) violations of Total Suspended Solids;
- b. Twenty-six (26) violations of Fecal Coliform Bacteria;
- c. Nine (9) violations of Carbonaceous Biochemical Oxygen Demand;
- d. Seven (7) violations of Ammonia Nitrogen;
- e. Five (5) violations of Dissolved Oxygen; and
- f. Five (5) violations of Oil and Grease.

20. Each of the eighty-three (83) discharge limitation violations listed in Paragraph 19 above constitutes a separate permit violation for a total of eighty-three (83) separate violations of Ark. Code Ann. § 8-4-217(a)(3).

2. Respondent and DEQ have further agreed to amend the Order and Agreement Section of CAO LIS 22-063 by adding the following paragraph:

12. On or before December 31, 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 CAP submitted on September 15, 2021, have been completed and that Respondent is in compliance with the effluent limitations of the Permit.

3. All provisions of CAO LIS 22-063 not explicitly modified by this Amended CAO LIS 22-063-001 shall remain in full force and effect and are hereby incorporated by reference.
4. This Amended CAO 22-063-001 is subject to public review and comment in accordance with Ark. Code Ann. § 8-4-103(d) and APC&EC Rule 8. 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.
5. Nothing in this Amended CAO LIS 22-063-001 shall be construed as a waiver by DEQ of its enforcement authority over alleged violations not specifically addressed in CAO LIS 22-063, as amended by CAO LIS 22-063-001. Also, this Amended CAO does not exonerate Respondent from any past, present, or future conduct that is not expressly addressed in CAO LIS 22-063, as amended by CAO LIS 22-063-001, nor does it relieve Respondent of its responsibilities for obtaining any necessary permits.
6. 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 4 above.

11. Each of the undersigned representatives of the parties certifies that he or she is authorized to execute this Amended CAO and to bind legally that party to its terms and conditions.

SO ORDERED THIS 21 DAY OF August, 2024.

Bailey Taylor
BAILEY M. TAYLOR, ~~INTERIM~~ CHIEF ADMINISTRATOR, ENVIRONMENT AND
DIRECTOR, DIVISION OF ENVIRONMENTAL QUALITY

APPROVED AS TO FORM AND CONTENT:

Arkansas Department of Corrections - Cummins Unit

BY: Lindsay Wallace
(Signature)

Lindsay Wallace
(Typed or printed name)

TITLE: Secretary

DATE: 8/14/2024