

**STANDARD PERMIT NO. 2006-20547**

**PUBLIC NOTICE  
CORPS OF ENGINEERS  
(30-Day Comment Period)  
(Comment Expiration Date – August 14, 2012)**

**INTERESTED PARTIES:**

The District Commander, Little Rock District, proposes to issue an order assessing a Class I Administrative Penalty against Ozark Mountain Regional Public Water Authority (OMRPWA) for violations of a permit granted under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act.

**PERMITS INVOLVED AND ALLEGED VIOLATION:**

The Little Rock District issued a Department of the Army authorization, through Standard Permit No. **2006-20547**, to OMRPWA for the construction of a water intake structure on Bull Shoals Lake, a water treatment facility located north of Lead Hill, approximately 115 miles of water transmission mains, water storage tanks, booster pumping stations, and an access road to the proposed intake structure. Components of the project that would result in the discharge of dredged and fill material in waters of the United States include the water intake structure on Bull Shoals Lake and the water transmission mains. The component of the project that involves work in or affecting a navigable water of the U.S. includes the water intake structure on Bull Shoals Lake.

OMRPWA failed to comply with the terms and conditions of the subject Standard Permit. Specifically, OMRPWA constructed an inclined intake water withdrawal system instead of the permitted vertical shaft water withdrawal system without requesting a modification from the Little Rock District's Regulatory Division. Since a permit modification request was not submitted, the Little Rock District was unable to evaluate and address any additional impacts to the environment and government property due to the design change. Also, OMRPWA failed to submit copies of the final plans for each project phase to the Corps for review and approval (Special Condition No. 2), and failed to use appropriate soil erosion and sediment controls and maintain these in effective operating condition during construction at the water intake site on Bull Shoals Lake (Special Condition No. 4).

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**ASSESSMENT OF THE CIVIL PENALTY:**

Based upon the foregoing facts and pursuant to Section 309(g) of the Clean Water Act, the Little Rock District, Corps of Engineers, proposes to issue a Final Order to OMRPWA assessing a Class I civil penalty of \$27,500.

The proposed penalty was determined after taking into account all of the factors identified in Section 309(g)(3) of the Clean Water Act. These factors include, but are not limited to, seriousness of the violation, economic benefit, history of violation, good-faith effort to comply with applicable requirements, economic impact of penalty on violator and ability to pay, and other matters as justice may require.

**AUTHORITY FOR PROCEEDING:**

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies; Indian Tribes; and all other interested parties regarding the application of the Class I civil penalties in this matter, the appropriateness of the proposed penalty and any information that might be material to the proposed resolution of the matter of permit non-compliance.

Any interested party is encouraged to provide comments, both favorable and unfavorable. These comments will be made a part of the administrative record. No comments will be accepted after the conclusion of the 30-day review period. All replies to the public notice should be sent to the **Regulatory Division, US Army Corps of Engineers, PO Box 867, Little Rock, Arkansas 72203**. Please reference Permit No. **2006-20547** in any correspondence. You may also submit comments by e-mail to [kyle.r.clark@usace.army.mil](mailto:kyle.r.clark@usace.army.mil).

During the public interest review period, OMRPWA may request a hearing regarding the proposed penalty. Should a hearing be requested and scheduled, any party submitting comments on the proposed penalty will be afforded the opportunity to present material evidence at the hearing.

In the event that OMRPWA does not request a public hearing, the Corps of Engineers will issue the Final Order. Persons or entities who commented on the public notice will be allowed an additional thirty days to request that the Little Rock District set aside the Final Order and hold a hearing under the authority of Section 309(g)(8) of the Clean Water Act. Such a hearing request shall be granted only if, in the opinion of the District Engineer, the evidence to be presented is material and was not considered in the preparation of the Final Order.

Any hearing will be held and conducted in accordance with the provisions of the guidance provided on the Class I Clean Water Act Civil Penalty Procedures (33 CFR Part 326, December 8, 1989).