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# Stormwater Enforcement: Arkansas Department of Environmental Quality and White County, Arkansas Ready-Mix Concrete Facility Enter into Consent Administrative Order

## Arkansas Environmental, Energy, and Water Law Blog

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The Arkansas Department of Environmental Quality ("ADEQ") and Charles Browning Construction Co., Inc. ("CBC") entered into a December 15<sup>th</sup> Consent Administrative Order ("CAO") addressing alleged violations related to stormwater permitting. See LIS No. 16-102.

The CAO states that CBC operates a ready-mix concrete facility ("facility") in White County, Arkansas.

The CBC facility is stated to discharge stormwater that eventually enters the White River. The facility had previously received coverage under an Arkansas Industrial Stormwater General Permit ("IGP"), permit number ARR000000 for such discharges.

ADEQ is alleged to have conducted a routine compliance inspection of the facility identifying certain violations:

- Discharge of industrial processed water to an area other than the outfall as described in the IGP
- Improper placement of concrete waste where it was likely to discharge to waters of the State
- Disposal of concrete waste at a disposal site that has no permit from ADEQ
- The facility's Stormwater Pollution Prevention Plan did not include a detailed and accurate facility description

ADEQ is stated to have notified CBC of the inspection results and received a response from the company. A subsequent response was submitted to ADEQ deemed adequate by the agency. Further, CBC submitted a response to a draft proposed CAO that contained a site assessment and stormwater plan developed by a Professional Engineer.

The CAO requires that CBC immediately cease all unpermitted discharge of processed water. Further, CBC is required to submit to ADEQ:

... a complete application for an individual NPDES including ADEQ Form 1, EPA Form 2C, and a Disclosure Statement to the Permits Branch ADEQ Office of Water Quality. ... and shall provide a copy of all significant documents to the following:

Enforcement Branch, ADEQ, Office of Water Quality. ...

The CAO assesses a civil penalty of \$1,500.

[A copy of the CAO can be downloaded here.](#)