



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

Stormwater Enforcement: Arkansas Department of Environmental Quality and Lee County, Arkansas Retail Motor Fuel Facility Enter into Consent Administrative Order

06/13/2018

The Arkansas Department of Environmental Quality (“ADEQ”) and MAPCO Express, Inc., (“MEI”) entered into a May 24th Consent Administrative Order (“CAO”) to address alleged Clean Water Act National Pollution Discharge Elimination System stormwater violations. See LIS No. 18-045.

MEI is stated to operate a Travel Center (“Facility”) in Wheatley, Arkansas.

The Facility is stated to discharge stormwater to an unnamed tributary that eventually flows to the White River. The discharge is regulated pursuant to a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) Permit. The MEI Facility permit is currently effective. See NPDES Permit No. AR0046752 (“Permit”).

The CAO states that Part III, Section D, Condition 10 of the Permit requires MEI to submit a complete permit renewal application at least 180 days prior to the expiration date of the Permit if the activity regulated by the Permit is to continue after the expiration date. MEI is stated to intend to operate the Facility beyond the expiration date of the current Permit (i.e., June 30, 2018). As a result, the CAO states that a complete permit renewal application was due to ADEQ by January 1, 2018.

MEI is stated to have failed to provide a complete permit renewal application by January 1, 2018. This alleged failure constitutes a violation of Condition 10 of the Permit.

ADEQ is stated to have conducted a review of certified Discharge Monitoring Reports (“DMRs”) submitted by MEI in accordance with the Permit. The review allegedly indicated that MEI reported certain violations of the permitted effluent discharge limits found in the Permit from January 1, 2015 through January 31, 2018, which include:

- Six violations for Chemical Oxygen Demand
- Seven violations for Total Suspended Solids

The CAO states that ADEQ’s review of the certified DMRs submitted by MEI indicated the Facility failed to submit the DMRs in accordance with the relevant portions of the Permit from December 1, 2014, to December 31, 2017. Such alleged failure violates Part III, Section C, Condition 5 of the Permit. The CAO specifies the dates the alleged DMRs were not submitted.

ADEQ is stated to have received MEI's application for renewal of the Permit on April 13, 2018. Further, the state agency notified MEI on April 20, 2018, that the renewal application was deemed administratively complete.

The CAO provides that MEI shall:

- Comply with the existing Permit until either the effective date of the Permit renewal or the effective date of the Permit termination
- Submit DMRs in accordance with the relevant sections of the Permit
- Within 30 calendar days of the effective date of the CAO submit to ADEQ, for review and approval, a comprehensive Corrective Action Plan ("CAP") developed by a Professional Engineer licensed in the state of Arkansas which will provide a reasonable milestone schedule (with a date of final compliance no later than March 31, 2019), detailing the methods and best available technologies that will be used to correct the violations listed in Findings of Fact Paragraph 14 and prevent future violations. Once approved by ADEQ, MEI is required to comply with the terms, milestone schedule, and final compliance date in the CAO and approved CAP.

The CAO assesses a civil penalty of \$3,700 which could be reduced by one-half if signed and returned to ADEQ within 20 days from the receipt of the CAO.

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