

## Stormwater Enforcement: Arkansas Department of Environmental Quality and White County, Arkansas, Solid Waste Transfer Station Enter into Consent Administrative Order



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The Arkansas Department of Environmental Quality (“ADEQ”) and the City of Searcy (“City”) entered into a May 24th Consent Administrative Order (“CAO”) addressing alleged violations of a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) stormwater permit. See LIS No. 18-047.

The City is stated to operate a Solid Waste Transfer Station (“Station”) located in Searcy, Arkansas.

The Station is stated to be regulated pursuant to an NPDES permit. The NPDES permit is an Industrial Stormwater General Permit which provides coverage to the Station for discharge of stormwater into the waters of the state. See Permit Tracking Number ARR000061 (“Permit”). The Permit had a coverage date of July 7, 2011, and an expiration date of June 30, 2014.

The CAO provides that the City has operated the Station beyond the June 30, 2014 expiration date of the Permit.

ADEQ is stated to have notified the City on December 12, 2013, and May 22, 2014, that the Permit would expire on June 30, 2014 – and that in order to continue the regulated activity, a complete Renewal Notice of Intent (“RNOI”) must be submitted no later than June 30, 2014.

The City is stated to have been notified on July 25, 2014, that the Permit had expired on June 30, 2014, and that in order to continue the regulated activity, it must immediately submit a complete RNOI to ADEQ. The complete RNOI is stated to have not been received by June 30, 2014, constituting a violation of Ark. Code Ann. § 8-4-101 et seq. and the relevant provisions to the Clean Water Act.

ADEQ is stated to have received a RNOI from the City on December 11, 2017. ADEQ subsequently requested and the City submitted payment of the RNOI fee.

The CAO requires that the City comply with the existing Permit until either the coverage date of the new Permit coverage or the effective date of the Permit termination.

A civil penalty of \$3,000 is assessed of which \$2,000 may be used for one or more Supplemental Environmental Projects to be approved by the ADEQ Director as specified in Paragraph 3 of the CAO. The procedure for the submission and approval of the proposed Supplemental Environmental Projects is specified in Paragraph 3 of the CAO.

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