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## Stormwater Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and City of Walnut Ridge Enter into Consent Administrative Order

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The Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) and City of Walnut Ridge, Arkansas (“Walnut Ridge”) entered into a January 22nd Consent Administrative Order (“CAO”) addressing alleged violations of a Clean Water Act National Pollution Discharge Elimination System Industrial Stormwater General Permit (“Permit”). See LIS No. 20-010.

The CAO provides that Walnut Ridge operates a wastewater treatment plant (“Facility”) in Lawrence County, Arkansas.

DEQ is stated to have issued a NPDES Industrial Stormwater General Permit with an effective date of July 1, 2014, and an expiration date of June 30, 2019. A renewal of such Permit was issued with an effective date of July 1, 2019 and an expiration date of June 30, 2024.

Walnut Ridge is stated to have been issued such permit for discharge of stormwater into waters of the state with a coverage date of August 14, 2014 and an expiration date of June 30, 2019.

Part 2 Condition 2.2 of the Permit is stated to require Walnut Ridge to submit a complete Recertification Notice of Intent (“RNOI”) no later than June 30, 2019 in order to maintain permit coverage for the regulated activity. Walnut Ridge is stated to have not provided the complete RNOI to DEQ by July 1, 2019. Such failure to submit is stated to be a violation of Part 2 Condition 2.2 of the Permit.

Walnut Ridge is stated to have been notified by DEQ on September 20, 2019 that coverage under the Permit had expired.

Walnut Ridge notified DEQ on September 26, 2019 that the Facility was still operating. Since Walnut Ridge operated the Facility beyond June 30, 2019, the Permit is alleged to have been violated. Such action is stated to be a violation of 40 C.F.R. § 122.26 as adopted by Arkansas Pollution Control and Ecology Commission Regulation No. 6.

Walnut Ridge submitted a Notice of Intent and Stormwater Pollution Prevention Plan to DEQ on October 17, 2019. However, DEQ is stated to have notified Walnut Ridge that the Notice of Intent was incomplete. Walnut Ridge subsequently submitted on October 28, 2019 a No Exposure Certification for review.

The CAO requires that Walnut Ridge comply with the Permit with an effective date of July 1, 2019 until DEQ issues a Notice of Coverage.

A civil penalty of \$1,000 was assessed which could have been reduced to \$500 if the document was signed and returned to DEQ within 20 calendar days of receipt of the CAO.

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