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Stormwater Enforcement/Construction: Arkansas Department of Energy and Environment and Washington County, Arkansas, Construction Site Operator Enter into Consent Administrative Order

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The Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) and Riggins Commercial Construction, LLC, (“Riggins”) entered into a February 12th Consent Administrative Order (“CAO”) addressing alleged violations of a Stormwater Construction General Permit No. ARR150000. See LIS No. 20-120.

The CAO provides that Riggins operates a construction site (“Site”) in Washington County, Arkansas.

The Site is stated to discharge stormwater associated with construction activity to an unnamed drainage ditch which eventually flows to the White River. Such discharge is stated to be regulated pursuant to a Stormwater Construction General Permit that was previously referenced.

DEQ is stated to have conducted a Stormwater Construction Inspection of the Site on January 8, 2019. The inspection allegedly indicated the following violations:

1. Proper site stabilization practices have not been implemented and maintained at north road, the concrete trail system, west road, or southwest road to cul-de-sac to minimize the discharge of pollutants.
2. Evidence that construction equipment had crossed a flowing creek without a Short Term Activity Authorization first being issued by the DEQ.
3. Silt fences and check dams were not properly installed and maintained at the site:
 - silt fencing was not in place at North Road;
 - the eastern most check dam has sediment at over fifty percent (50%) capacity;
 - silt fences were in disrepair at the concrete trail system;
 - silt fencing was not in place at west road as indicated on site map and the rock check dam was washed out; and

- the southwest road to the cul-de-sac dam check was washed out.
- 4. The Stormwater Pollution Prevention Plan ("SWPPP") was not kept up-to-date to reflect current conditions at the site.
- 5. Inspections have not been conducted in accordance with the frequency set out in the SWPPP.
- 6. Inlet protection has not been installed at north road, west road, or southwest road to cul-de-sac.

DEQ is also stated to have invoiced Riggins for an annual Stormwater Construction General Permit fee and a late charge.

The CAO requires that Riggins immediately comply with the terms and conditions of the Stormwater Construction General Permit. Further, Riggins is required to remit payment to DEQ for the previously referenced required payment and submit a revised SWPPP.

Riggins is also required to obtain a short-term Activity Authorization from DEQ before performing any in-stream activities and submit quarterly progress reports to DEQ within 60 calendar days of the effective date of the CAO and then quarterly thereafter documenting actions to ensure that silt and sediment are not leaving the Site.

A civil penalty of \$5,850 is assessed which could have been reduced to one-half if the CAO was signed and returned to DEQ within 20 calendar days of receipt of the document.

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