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Stormwater Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and Izard County/Marion County Plastic Manufacturing Plants Enter into Consent Administrative Order

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The Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) and Micro Plastics, Inc., (“MPI”) entered into a January 30th Consent Administrative Order (“CAO”) addressing alleged violations of a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) Industrial Stormwater General Permit. See LIS No. 20-113.

DEQ is stated to have issued Industrial Stormwater General Permit coverage for two MPI sites (“Sites”):

- Melbourne, Arkansas Site (Designated as 1)
- Flippin, Arkansas Site (Designated as 2)

Both Industrial Stormwater General Permits are stated to have contained a condition requiring MPI 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. A complete RNOI was stated to have not been provided as required, constituting a violation of Part 2, Condition 2.2 of the Sites’ permit. Both Sites were stated to be continuing to operate.

The CAO provides that MPI subsequently submitted a Notice of Intent and Stormwater Pollution Prevention Plan for both Sites.

The CAO requires that MPI comply with the current Industrial Stormwater General Permit for Site 1 and 2 until DEQ issues a Notice of Coverage to the company for each Site.

A civil penalty of \$2,000 is assessed which could have been reduced by one half if the document was signed and returned to DEQ within 30 calendar days of receipt of the CAO.

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