



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

# Stormwater Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and Newton County Recycling Center/Transfer Station Enter into Consent Administrative Order

04/02/2020

The Arkansas Department of Energy and Environment - Division of Environmental Quality (“DEQ”) and Newton County, Arkansas, (“Newton County”) entered into a February 10th Consent Administrative Order (“CAO”) addressing an alleged violation regarding a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) Industrial General Stormwater Permit. See LIS No. 20-114.

The CAO provides that Newton County operates a recycling center and transfer station (“Facility”) located in Jasper, Arkansas.

The Facility is stated to be regulated pursuant to a NPDES permit. DEQ is stated to have issued the Facility a NPDES Industrial Stormwater General Permit with an effective date of July 1, 2014, and expiration date of June 30, 2019, to the Facility. Further, DEQ is stated to have issued a renewal of the NPDES Industrial Stormwater General Permit with an effective date of July 1, 2019, and expiration date of June 30, 2024.

Part 2, Condition 2.2 of the permit is stated to require Newton County 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. The complete RNOI is stated to have not been received by DEQ by July 1, 2019, allegedly constituting a violation of Part 2, Condition 2.2 of the permit.

DEQ is stated to have notified Newton County that coverage under the permit had expired. Further, Newton County is stated to have confirmed the Facility is still operating. As a result, the CAO states that Newton County has operated the Facility beyond the June 30, 2019, expiration date of the permit, allegedly violating 40 C.F.R. § 122.26.

Newton County is stated to have submitted a No Exposure Certification Form for Exclusion from NPDES Stormwater Permitting on October 8, 2019.

The CAO requires that Newton County comply with the expired permit until DEQ issues a Notice of Coverage.

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

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