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Stormwater Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and Garland County Bulk Petroleum Plant Operator Enter into Consent Administrative Order

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The Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) and Hendry Oil Company, Inc. (“Hendry”) entered into a May 4th Consent Administrative Order (“CAO”) addressing an alleged violation of a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) General Stormwater Permit. See LIS No. 20-150.

The CAO provides that Hendry operates bulk petroleum plant (“Plant”) in Garland County, Arkansas.

The Plant is regulated pursuant to a General NPDES Stormwater Permit.

DEQ is stated to have issued Industrial Stormwater General Permit coverage to Wacaster Oil Company, Inc. for discharge of stormwater at the Plant into waters of the state. See Permit Tracking Number ARR001019. The Permit is stated to have an expiration date of June 30, 2019.

Hendry is stated to have purchased the Plant on November 28, 2016.

Part 2 Condition 6 of the stormwater permit requires a Permit Transfer form to be submitted to the Director of DEQ 30 days prior to the date of transfer of ownership. Hendry is stated to have not submitted a Permit Transfer form to DEQ.

The CAO also provides that Part 2 Condition 2.2. of the stormwater permit requires Hendry to complete a 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. Failure to submit the RNOI by July 1, 2019, is stated to be a violation of Part 2 Condition 2.2 of the stormwater permit.

On September 24, 2019, DEQ is stated to have contacted Hendry, which confirmed that the Plant was still operating. As a result, the CAO provides that Hendry has operated the Plant beyond the June 30, 2019, expiration date of the stormwater permit, constituting a violation of 40 C.F.R. § 122.26.

Hendry submitted a Notice of Intent and Stormwater Pollution Prevention Plan on October 15, 2019.

The CAO requires that Hendry comply with the stormwater permit with the effective date of July 1, 2019, until DEQ issues a Notice of Coverage to Hendry. Further, a civil penalty of \$200 is assessed.

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