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## Stormwater Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and Miller County, Arkansas, Oil/Grease Distribution Facility Enter into Consent Administrative Order

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The Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) and J.A.M. Distributing Company (“JAM”) entered into a February 12th Consent Administrative Order (“CAO”) addressing an alleged violation of a Clean Water Act General National Pollution Discharge Elimination System (“NPDES”) permit. See LIS No. 20-119.

The CAO provides that JAM operates a wholesale oil and grease distribution facility (“Facility”) located in Miller County, Arkansas.

DEQ is stated to have issued an Industrial Stormwater General Permit to JAM for discharge of stormwater into waters of the state pursuant to NPDES Industrial Stormwater General Permit, Permit Tracking No. ARR000627 (“Permit”) with a coverage date of July 1, 2014, and an expiration date of June 30, 2019. The Permit contains a condition (Part 2 Condition 2.2) which required JAM 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.

JAM is stated to have not provided a complete RNOI by July 1, 2019. This is stated to have constituted a failure to submit the RNOI by July 1, 2019, which is alleged to be a violation of Part 2 Condition 2.2 of the Permit.

DEQ is stated to have subsequently confirmed that the Facility was still operating. As a result, it is alleged that JAM operated the Facility beyond the June 30, 2019, expiration date of the Permit.

JAM submitted a Notice of Intent and Stormwater Pollution Prevention Plan on October 3, 2019.

The CAO requires that JAM comply with the Industrial Stormwater General Permit ARR00000 until DEQ issues a Notice of Coverage to JAM. Further, a civil penalty of \$1,000 is assessed, which could have been reduced to one-half if the document was signed and returned to DEQ within 30 calendar days of its receipt.

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