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

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The Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) and Saint-Gobain Abrasives, Inc. (“SGAI”) entered into a March 20th Consent Administrative Order (“CAO”) addressing alleged violations of a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit. See LIS No. 20-141.

The CAO provides that SGAI operates a Novaculite mining site (“Site”) in Lonsdale, Arkansas.

DEQ is stated to have issued Industrial Stormwater General Permit (“Permit”) coverage to SGAI for discharge of stormwater into waters of the state. The Permit tracking number is ARR000038 with a coverage date of July 1, 2014, and an expiration date of June 30, 2019.

Part 2 Condition 2.2 of the Permit is stated to require SGAI to submit a complete RNOI no later than June 30, 2019, in order to maintain permit coverage for the regulated activity. Such complete RNOI was stated to have not been received by DEQ from SGAI by July 1, 2019. This is stated to constitute a violation of Part 2 Condition 2.2 of the Permit.

DEQ is stated to have contacted SGAI on November 21, 2019, and November 27, 2019, and confirmed that the Site was still operating. As a result, this is stated to constitute a violation of 40 C.F.R. § 122.26.

The CAO provides that on or before the effective date of the document that SGAI shall submit a Notice of Intent, a Stormwater Pollution Prevention Plan, and payment for the Permit fee. Further, it requires that the Site comply with the NPDES Industrial Stormwater General Permit ARR000000 with the effective date of July 1, 2019, until DEQ issues a Notice of Coverage to SGAI.

A civil penalty of \$1,000 is assessed which could have been reduced by \$500 if the CAO was signed and returned to DEQ within 30 calendar days of its receipt.

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