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Stormwater Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and Crittenden/Crawford County Transportation/Logistics Facilities Operator Enter into Consent Administrative Order

12/11/2020

The Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) and USA Truck, Inc. (“USA”) entered into a November 24th Consent Administrative Order (“CAO”) addressing alleged violation of an Industrial Stormwater General Permit (“Stormwater Permit”). See LIS No. 20-190.

The CAO provides that USA operates transportation and logistics facilities in Crittenden County (“Crittenden County Facility”) and Crawford County (“Crawford County Facility”).

Both the Crawford County Facility and Crittenden County Facility are regulated pursuant to the Clean Water Act for stormwater discharges.

DEQ is stated to have issued Stormwater Permit coverage to USA for discharge of stormwater into waters of the state with an expiration date of June 30, 2019, to both the Crawford County Facility and Crittenden County Facility. Part II, Condition 2.2 of the Stormwater Permit is stated to require Respondent to submit a complete Renewal of Notice of Intent (“RNOI”) no later than June 30, 2019, in order to maintain permit coverage for the regulated activities for both facilities.

The CAO provides that USA was notified that the Stormwater Permit would expire on the previously referenced date and that a complete RNOI must be submitted no later than June 30, 2019, for both facilities. USA subsequently submitted a RNOI on June 17, 2019, for both facilities.

DEQ is stated to have requested that USA complete the RNOI by providing a certificate of good standing from the Delaware Secretary of State and to pay an overdue invoice. A certificate of good standing from Delaware Secretary of State was subsequently submitted. However, the CAO provides that USA still needed to submit a complete RNOI, Stormwater Pollution Prevention Plan and permit fee for both facilities.

The CAO requires that USA submit a complete Notice of Intent, Stormwater Pollution Prevention Plan and application fees for both the Crawford County and Crittenden County facilities.

A civil penalty of \$2,000 is assessed, which could have been reduced to \$1,000 if the CAO was returned to DEQ within 20 calendar days of receipt of the document.

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