



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

Construction/Stormwater Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and Van Buren Construction Site Operator Enter into Consent Administrative Order

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The Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) and Moses Plumbing, LLC (“Moses”) entered into a January 11th Consent Administrative Order (“CAO”) addressing alleged violations of a Stormwater Construction General Permit (“Permit”). See LIS No. 20-202.

The CAO provides that Moses operates a large pond/borrow area construction site (“Site”) in Van Buren, Arkansas.

Moses is stated to be regulated pursuant to a National Pollution Discharge Elimination System (“NPDES”) permit. Further, Moses is stated to have received coverage under the Permit on May 26, 2020.

DEQ is stated to have conducted a construction stormwater inspection of the Moses Site on June 11, 2020, in which the following alleged violations were documented:

- Trash was observed along the silt fence and haul road at the Site.
- The Stormwater Pollution Prevention Plan (SWPPP) was not available at the Site during the inspection.
- The Notice of Coverage (NOC) was not posted at the Site.
- The silt fence installed along the haul road was not trenched (therefore allegedly not properly installed and maintained).
- The one rock check dam installed in the drainage at the construction Site does not provide adequate velocity dissipation for the Site.
- Potable water is being used as dust suppression on the haul road and Site entrances and exit, and dewatering activities are occurring at the pit sumps.
- There were no site inspection forms available for review during the inspection.

Moses is stated to have submitted a response to the June 11, 2020, inspection to DEQ addressing the alleged violations.

DEQ is stated to have conducted a subsequent inspection on July 7, 2020, in response to a complaint. An alleged violation is stated to have been documented which involved dewatering practices at the Site resulting in turbid discharges to waters of the state.

An additional reconnaissance inspection of the Site is stated to have been conducted in response to a complaint on August 17, 2020, and allegedly identified a violation involving dewatering practices at the Site resulting in turbid discharges to waters of the state.

The CAO requires that Moses immediately cease all discharges of turbid water, silt, and sediment to waters of the state from the Site and right-of-ways. Further, Moses is required to submit to DEQ for review and approval a report detailing the best management practices (“BMPs”) being used to eliminate the discharge of turbid water and sediment from the Site.

Moses is required to undertake a number of activities to comply with the terms and conditions of the Notice of Coverage and the associated Permit. Further, monthly progress reports detailing the state of stabilization throughout all areas disturbed by the project are required for two years after the effective date of the CAO.

A civil penalty of \$1,300 is assessed which could have been reduced to one-half if the CAO was returned to DEQ 20 within calendar days of receipt of the document.

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