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Stormwater Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and Izard County Sand and Gravel Mine Operator Enter into Consent Administrative Order

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The Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) and Spring Creek Materials, Inc. (“Spring Creek”) entered into a March 11th Consent Administrative Order (“CAO”) addressing an alleged violation of a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit. See LIS No. 21-021.

The CAO provides that Spring Creek operates a sand and gravel mine (“Facility”) in Izard County, Arkansas.

The Facility is stated to discharge treated stormwater to Sandy Creek which eventually discharges into the White River. Such stormwater discharge is regulated pursuant to an NPDES permit.

Part III, Section D, Condition 10 of the NPDES permit requires Spring Creek to submit a complete permit renewal application at least 180 days prior to the expiration of the permit if the activity regulated by the Permit is to continue after the expiration date. The CAO provides that Spring Creek intends to operate the Facility beyond the expiration date of the current NPDES permit, April 30, 2021.

DEQ is stated to have received an incomplete application for renewal from Spring Creek on October 27, 2020. The agency is stated to have notified Spring Creek that its application was incomplete on October 28, 2020.

The CAO provides that because a complete NPDES permit renewal application was not received by November 1, 2020, there was a violation of Part III, Section D, Condition 10 of the NPDES permit.

The CAO requires that Spring Creek comply with the existing NPDES permit until either the effective date of the permit renewal or the effective date of the permit termination.

A civil penalty of \$500 is assessed which could have been reduced by one-half if the CAO was signed and returned to DEQ within 20 calendar days of its receipt.

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

