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Wastewater Enforcement: Arkansas Department of Energy & Environment - Division of Environmental Quality and Hermitage Commercial Transportation Log Yard Enter into Consent Administrative Order

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The Arkansas Department of Energy & Environment - Division of Environmental Quality ("DEQ") and Clanton Transport LLC ("Clanton") entered into a June 9th Consent Administrative Order ("CAO") addressing an alleged violation of certain Arkansas statutory provisions related to water discharges. See LIS 22-067.

The CAO provides that Clanton operates a commercial transportation log yard ("Site") in Hermitage, Arkansas.

The Site is stated to be regulated pursuant to the National Pollutant Discharge Elimination System ("NPDES").

DEQ is stated to have received an initial application for an NPDES individual permit on June 3, 2021, from Clanton. The agency is stated to have sent Clanton on June 15, 2021, an Incompleteness letter because the initial application was missing the following information:

1. What measures are being/will be taken to protect the facility, as the facility is in the 100-year flood plain.
2. The location of the discharge marked on the topographic map.
3. A stormwater flow map, as required by Environmental Protection Agency Form IF.
4. A State Construction Permit, which is required for construction of the pond.

The missing permit application was submitted to DEQ on August 9, 2021, and a completeness letter from the agency was provided.

DEQ is stated to have received a complaint alleging that water was being discharged from the Site on October 14, 2021 and "running into the woods."

DEQ conducted a Reconnaissance inspection in response to the complaint on October 22, 2021, and is stated to have identified the following violations:

- Operation of the Site without a permit in violation of Ark. Code Ann. § 8-4-217(b)(1)(C)
- Discharging water from the Site log sprinklers off of the property in violation of Ark. Code Ann. § 8-4-217(b)(1)(E)

DEQ is stated to have sent a copy of the pre-draft version of the Permit to Clanton via email on January 7th.

The CAO requires that Clanton immediately cease any unpermitted activity until proper permit coverage is obtained. Further, Clanton is required to immediately implement and document Best Management Practices to contain all water on Site until a permit is issued to Clanton authorizing the discharge of process and stormwater from the Site.

A civil penalty of \$2,400 is assessed which could have been reduced to 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](#).