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# Construction Stormwater Enforcement: Arkansas Department of Energy & Environment - Division of Environmental Quality and Saline County Construction Site Operator Enter into Consent Administrative Order

02/01/2024

The Arkansas Department of Energy & Environment – Division of Environmental Quality (“DEQ”) and East End Holdings, LLC (“East End”) entered into a January 24th Consent Administrative Order (“CAO”) addressing alleged violations of a Clean Water Act Construction General Stormwater Permit (“Permit”). See LIS No. 24-003.

East End is stated to operate a construction site (“Site”) denominated Clear Creek Subdivision in Saline County, Arkansas.

The site is stated to be regulated pursuant to a Clean Water Act National Pollutant Discharge Elimination System (“NPDES”) permit. Further, site activities are stated to fall within the definition of “construction activity” as defined in 40 C.F.R. § 122.26(b)(14)(x).

DEQ regulates stormwater discharges associated with construction activity pursuant to the NPDES Stormwater Construction General Permit (“General Permit”).

East End is stated to have submitted a Notice of Intent (“NOI”) and Stormwater Pollution Prevention Plan (“SWPPP”) for coverage under the General Permit. Notice of Coverage (“NOC”) was supplied to East End.

DEQ is stated to have conducted a Construction Stormwater Inspection of the Site in response to a complaint on February 15, 2022. The inspection is stated to have identified the following violations:

- No inspection reports were being retained onsite
- No evidence that site inspections were being performed
- No rain gauge properly installed at the site
- Stormwater controls at down-gradient culverts are absent or inadequate to prevent offsite migration of sediment
- Sediment migrated offsite and likely to discharge into and cause pollution to Duck Creek
- Sediment escaping the site has not been removed

No response is stated to have been received by DEQ to a query to East End regarding inspection results.

DEQ conducted a Construction Stormwater Inspection of the Site on December 20, 2022. The inspection is stated to have identified the following violations:

- NOC not posted near the Site entrance
- Fuel container near the Site appeared to be leaking and had inadequate secondary containment
- Stormwater controls around the culverts on the eastern and southeastern perimeter were in need to maintenance
- Large areas of the Site were un-stabilized
- Sediment has been discharged or escaped from the construction Site
- Collected stormwater flows from greater than 10 acres of the Site are flowing toward a low area at the southeast corner of the property
- Sediment migrated off the Site is likely to discharge into and cause pollution to Duck Creek
- Sediment has escaped the Site and not been removed

A Reconnaissance Inspection of the Site in response to a complaint was conducted on March 13th. The inspection is stated to have identified the following violations:

- Sediment has been discharged or escaped from the construction Site
- Sediment that had escaped the Site had not been removed
- Large areas of un-stabilized soil throughout the Site and erosion had occurred in the un-stabilized areas
- Silt fencing around an inlet protection failed and has not been repaired
- Dewatering activities at the northeast corner of the Site resulted in the discharge of turbid water going under the road and into a private lake
- Collected stormwater flows from greater than 10 acres of the construction Site are flowing toward a low area at the southeast corner of the property

East End is stated to have submitted an updated SWPPP with plans to include additional sedimentation basins in the southeast corner of the Site on March 27th.

The CAO requires that East End comply with the Construction General Permit. Further, East End is required to immediately implement Best Management Practices (“BMPs”) and correct various alleged violations.

Within 30 calendar days of the effective date of the CAO East End is required to submit to DEQ the plans, design, dimensions, specifications, and volume for the required sediment basins along with the details for the outlet structure developed by an Arkansas Professional Engineer.

East End is required to submit to DEQ within 30 calendar days of the effective date of the CAO a comprehensive Corrective Action Report (“CAR”) that includes, but is not limited to, a detailed reporting of how the violations referenced were corrected. Further, within 30 calendar days of the effective date of the CAO, East End is required to submit to DEQ a revised SWPPP that contains the BMPs utilized at the Site and a revised Site map. Quarterly progress reports are required.

A civil penalty of \$15,750 is assessed which could have been reduced to \$7,875 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](#).