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## Stormwater Enforcement: Arkansas Department of Energy & Environment - Division of Environmental Quality and Springdale Line-Haul Railroad Enter into Consent Administrative Order

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The Arkansas Department of Energy & Environment – Division of Environmental Quality (“DEQ”) and Arkansas and Missouri Railroad Company (“AMRC”) entered into a February 20th Consent Administrative Order (“CAO”) addressing an alleged violation of a Clean Water Act National Pollutant Discharge Elimination System (“NPDES”) stormwater permit. See LIS No. 24-032.

The CAO provides that AMRC operates a Line-Haul Railroad (“Facility”) in Springdale, Arkansas.

The Facility is stated to discharge industrial stormwater at outfalls within certain coordinates. Such discharge is regulated pursuant to an NPDES permit.

DEQ is stated to have issued an Industrial Stormwater General Permit (“IGP”) coverage to AMRC for discharge of stormwater into waters of the state with a coverage date of July 1, 2019, and an expiration date of June 30, 2024.

An anonymous complaint that the Facility was discharging spilled oil from the east side of the rail yard was received by DEQ. As a result, an Industrial Stormwater inspection of the Facility was undertaken on May 23, 2022.

The inspection is stated to have revealed the following permit violations:

- Facility directly discharging from an on-site retention pond used to collect runoff from areas of spilled/leaked oil and wash water.
- Evidence of significant oil spills and leaks were observed along the tracks where vehicles are stored at the Facility.
- General stormwater runoff from the surrounding industrial area does not drain to the pond must also be monitored.
- Areas along the eastern perimeter of the Facility had the appearance of contamination from oily water from prior discharges and overflows from the retention pond.
- An updated copy of the Stormwater Pollution Prevention Plan (“SWPPP”) was not available during the inspection.

AMRC is stated to have responded to a DEQ query on January 20, 2023. However, DEQ is stated to have sent AMRC a letter on January 31, 2023, stating that the response did not adequately address the violations and requested information be submitted by February 14, 2023, stating:

1. Unpermitted discharges are noted as occurring from the Respondent's wash water/stormwater pond. Respondent is supposed to pursue permitted coverage for its washing operations as soon as possible.
2. Submit notification that the additional outfalls have been added to the permit.
3. Submit photographs and/or other documentation showing the remediation has occurred.
4. Part 4.1 of the Permit requires SWPPPs to be updated by the effective date of the current permit, February 15, 2019. The date and certification on the facility's SWPPP indicate it has not been updated since the year 2011.

The CAO requires that the Facility immediately cease all unpermitted discharges on or before the effective date of the document. This is required to receive a certification that all unpermitted discharges have ceased. Within 30 calendar days of the effective date of the CAO AMRC is required to submit an administratively complete NPDES permit application which is required to include safety datasheets for all products and chemicals used for outdoor cleaning and vehicle wash operations and pay any associated permitting fees for the wash water/stormwater pond.

AMRC is required to submit to DEQ an Outfall Modification Request and an updated SWPPP for the stormwater permit. In addition, AMRC is required to submit an adequate response for the May 23, 2022, inspection (including actions taken to address the alleged violations along with photographic documentation). Monthly progress reports are required.

A civil penalty of \$7,200 is assessed which could have been reduced by one-half if the CAO was returned to DEQ within 20 calendar days of its receipt.

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