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Industrial Stormwater Enforcement: Arkansas Department of Energy & Environment - Division of Environmental Quality and Benton County Stone Product Manufacturing Facility Enter into Consent Administrative Order

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The Arkansas Department of Energy & Environment - Division of Environmental Quality ("DEQ") and TD Granite & Marble ("TD") entered into a February 21st Consent Administrative Order ("CAO") addressing alleged violations of a Clean Water Act National Pollutant Discharge Elimination System ("NPDES") permit. See LIS No. 24-033.

The CAO provides that TD operates a cut stone and stone product manufacturing facility ("Facility") in Benton County, Arkansas.

The Facility is stated to discharge industrial stormwater to an unnamed tributary of Sager Creek which eventually flows to Sager Creek. Such discharge is regulated pursuant to an NPDES permit.

DEQ is stated to have conducted an inspection of the TD Facility on May 14, 2020.

The inspection is stated to have identified the following violations:

- Absence of stormwater permits/stormwater discharges unpermitted
- Discharge of process water from cutting activities which are stated to require separate coverage under an Individual Industrial Discharge Permit
- Deposits of fines from stone cutting were observed on the grounds adjacent to the discharge pipe/placing of waste in a place likely to cause pollution to waters of the state

TD is stated to have responded to DEQ's presentation of the alleged violations in a letter dated July 1, 2020.

TD submitted a Notice of Intent ("NOI") for coverage under the General Permit (Industrial Stormwater) and a Stormwater Pollution Prevention Plan ("SWPPP") July 2, 2020. DEQ issued coverage under the General Permit.

DEQ notified TD on August 19, 2020, that information TD had previously submitted did not sufficiently address the alleged violations cited in the 2020 inspection report.

TD submitted a response to DEQ's letter stating their plans had changed and they determined that the best solution of the Facility's discharge was to install a closed loop water reclamation system. Installation of the reclamation system was expected to be completed by October 15, 2020.

DEQ sent a letter to TD on September 29, 2020, stating that the subsequent letter did not sufficiently address the violations cited during the 2020 inspection. The agency requested that TD submit documentation demonstrating that the reclamation system was installed, and the Facility was no longer discharging process wastewater.

DEQ subsequently acknowledged correspondence from TD's consulting firm indicating that completion of the reclamation system would be accomplished on December 18, 2020. Documentation was submitted by TD on December 28, 2020, indicating that the system was installed, and all discharges of process water had been eliminated.

DEQ conducted an Industrial Stormwater Inspection of the Facility on November 10, 2022. The inspection is stated to have identified the following violations:

- Piles of fines from stone cutting were observed dumped on the ground outside the Facility and solids accumulated from discharges of process water onto the ground were observed at the Facility
- Solid wastes were not covered or in a container at the time of inspection
- Unpermitted discharges of process wastewater

DEQ notified TD of the inspection results on December 1, 2022, and requested a written response. Also requested was the following information and documentation:

1. The complete and most recent update of the Stormwater Pollution Prevention Plan (SWPPP).
2. Visual inspection records from the year 2020 to the present.
3. Annual comprehensive compliance evaluation inspection records from the year 2020 to the present.
4. Stormwater Annual Reports (SWARs) from 2020 to the present with all laboratory bench sheets, Chain of Custody records, and calibration records (if applicable).

TD submitted a response to the alleged violations. However, DEQ responded in a January 18, 2023, letter stating the information was not sufficient to address the alleged violations. TD submitted additional information on January 31, 2023, which DEQ indicated sufficiently addressed the violations.

A civil penalty of \$5,200 is assessed which could have been reduced to \$2,600 if the CAO was submitted to DEQ within 20 calendar days of its receipt.

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