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

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The Arkansas Department of Energy and Environment – Division of Environmental Quality and Caddo Properties, LLC (“Caddo”) entered into a March 1st Consent Administrative Order (“CAO”) addressing alleged violations of the Clean Water Act National Pollutant and Discharge Elimination System (“NPDES”) Stormwater Permit. See LIS No. 24-044.

The CAO provides that Caddo operates a large construction site (“site”) in Glenwood, Arkansas.

DEQ is stated to have received a complaint of unpermitted dredge and construction activities on approximately twenty acres immediately adjacent to the Caddo River on January 3, 2023.

DEQ is stated to have conducted a reconnaissance inspection of the site on January 12, 2023, and identified the following violations:

- Operation of a large construction site without a required Stormwater Permit.
- Removal of riparian vegetation along the banks of the Caddo River.

DEQ is stated to have notified Caddo of the inspection results and requested a written response. Caddo is stated to have not submitted a response to the inspection.

Caddo subsequently submitted a Notice of Intent, Stormwater Pollution Prevention Plan, and other required documents for coverage under the DEQ Stormwater General Permit.

Caddo is stated to have subdivided the site for residential lots on July 10, 2023, indicating that additional construction activities are planned for the site. DEQ is stated to have subsequently notified Caddo that because the receiving water of the construction stormwater is the Caddo River, an Ecologically Sensitive Water body, an Extraordinary Resource Water, and known habitat of the endemic Paleback Darter, Caddo Madtom, and threatened Arkansas Fatmucket, Caddo is required to obtain an individual NPDES permit for the construction activities.

Caddo is required to immediately cease all unpermitted activity at the site until proper permit coverage is obtained from DEQ. Further, Caddo is required to immediately implement and document Best

Management Practices (“BMPs”) within the construction site to ensure that sediment is not leaving the site. Documentation of such activities is required. Caddo is also required to immediately reestablish the fifty foot riparian vegetation zone along the banks of the Caddo River. Further, documentation is required to be submitted regarding these activities.

A civil penalty of \$8,000.00 is assessed which could have been reduced to one-half if the CAO was signed and returned to DEQ within twenty calendar days of its receipt.

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