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

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The Arkansas Department of Energy & Environment - Division of Environmental Quality ("DEQ") and Tripp Property Clearing ("TPC") entered into a January 30th Consent Administrative Order ("CAO") addressing alleged violations of the Clean Water Act National Pollutant Discharge Elimination System ("NPDES") regulations. See LIS No. 24-018.

The CAO provides that TPC operates a large construction site ("Site") in Batesville, Arkansas.

The Site is stated to discharge stormwater to an unnamed tributary to the White River. Further, TPC is stated to be subject to regulations pursuant to an NPDES permit. Specifically, TPC's activities are stated to fall within the definition of construction activities found in the DEQ NPDES Stormwater Construction General Permit ("General Permit").

DEQ is stated to have conducted a reconnaissance inspection of the Site on February 16, 2023. The inspection is stated to have indicated the following:

- TPC had begun construction activities at the Site
- The Site qualifies as a large construction site as defined in the Construction Stormwater General Permit
- TPC had not obtained permit coverage under the Construction Stormwater General Permit prior to beginning construction activities and had not submitted:
 - Notice of Intent ("NOI")
 - Stormwater Pollution Prevention Plan ("SWPPP")
 - Required permit fee to DEQ

DEQ is stated to have provided the inspection results to TPC to which it eventually submitted a response which included a NOI and a SWPPP. The required fee was also paid to gain coverage under the permit.

The CAO requires that TPC comply with the Stormwater Construction General Permit.

A civil penalty of \$1,200 is assessed which could have been reduced by 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](#).