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Stormwater Enforcement: Arkansas Department of Environmental Quality and Greene County, Arkansas Construction Site Operator Enter into Consent Administrative Order

Arkansas Environmental, Energy, and Water Law Blog

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The Arkansas Department of Environmental Quality (“ADEQ”) and Elite Investments, LLC (“Elite”) entered into a February 13th Consent Administrative Order (“CAO”) addressing alleged violations related to a National Pollution Discharge Elimination System Storm Water Construction General Permit (“Permit”). See LIS No. 17-013.

Elite is stated to operate a construction site (i.e., Paragould Fill)(“site”) in Greene County, Arkansas.

The construction site activity is stated to be regulated by the previously referenced Permit.

An ADEQ Water Division Field Inspector is stated to have conducted compliance inspections at the construction site on May 12 and 15, 2015. The inspections allegedly identified violations that included:

- Operation of a large (greater than 5 acres) construction site without a permit for the discharge of storm water associated with construction activity
- Identification of visibly turbid stormwater flowing from the construction site into an unnamed creek which ultimately discharged to 8 Mile Ditch and thence into the St. Francis River (including violation of turbidity standards)
- Multiple areas in the receiving stream were observed to have received stream sediment from the construction site

ADEQ received from Elite a Notice of Intent for Discharge of Storm Water Associated with Large Construction Activity Authorized under NPDES General Permit ARR1500000 and Storm Water Pollution Prevention Plan on July 8, 2015. As a result, Elite is stated to have been covered for the construction site under the Permit.

ADEQ is alleged to have conducted an inspection of the construction site on July 17, 2015 and identified violations that included:

- Sedimentation basin did not have capacity to handle a 10-year, 24-hour storm event and overall sizing and spillway design of the sedimentation basin was inadequate for the construction site
- Storm Water Pollution Prevention Plan was not at the construction site

Elite was notified the results from the July 17th inspection and submitted a response to the agency which included:

- An improved plan to impound and settle sediment before it could leave the construction site
- Clarification that the original SWPPP would be kept on the construction site
- A revised SWPPP and sediment and erosion control plan stamped by a Professional Engineer
- Plans to reduce the drainage area for the construction site which allows the pond to be adequate for on-site drainage by diverting the offsite drainage from the construction site
- Updating SWPPP coverage dates to reflect actual construction start date

The Permit was transferred to R.A. Wilson Enterprises on October 29, 2015.

The CAO assesses a civil penalty of \$3,000.

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