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Stormwater Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and Fayetteville, Arkansas Manufacturing Facility Owner into Consent Administrative Order

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The Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) and American Air Filter Company, Inc., (“AAFC”) entered into a December 19th Consent Administrative Order (“CAO”) addressing alleged violations of a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit. See LIS No. 19-124.

The CAO provides that AAFC operates a manufacturing facility (“Facility”) in Fayetteville, Arkansas.

The Facility is stated to be regulated pursuant to an NPDES permit.

In accordance with 40 C.F.R. § 122.26(c) dischargers of stormwater associated with industrial activity are required to obtain coverage under the NPDES Industrial Stormwater General Permit (“General Permit”) or an individual permit.

DEQ is stated to have issued General Permit coverage to AAFC for discharge of stormwater into waters of the state pursuant to such permit with a coverage date of July 1, 2014 and an expiration date of June 30, 2019. The General Permit required AAFC to submit a complete Recertification Notice of Intent (“RNOI”) no later than June 30, 2019 in order to maintain permit coverage for the regulated activity. The complete RNOI was allegedly not received by July 1, 2019, violating Part 2 Condition 2.2. of the General Permit.

AAFC is stated to have confirmed that the Facility was still operating. As a result, the CAO alleges that the Facility has been operated beyond the June 30, 2019 expiration date of the General Permit.

AAFC is stated to have submitted a Notice of Intent and Stormwater Pollution Prevention Plan on October 9, 2019.

The CAO requires that AAFC comply with the General Permit with an effective date of July 1, 2019 until DEQ issues a Notice of Coverage to the Facility.

A civil penalty of \$1,000 is assessed which could have been reduced to \$500 if the document was signed and returned to DEQ within 20 calendar days of receipt of the CAO.

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