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Stormwater Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and Independence County, Arkansas, Gravel Trucking Company Operator Enter into Consent Administrative Order

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The Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) and JM Trucking & Trailer Leasing, LLC, (“JM”) entered into a February 12th Consent Administrative Order (“CAO”) addressing an alleged violation of a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit. See LIS No. 20-118.

The CAO provides that JM operates a gravel trucking company (“Facility”) located in Batesville, Arkansas.

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

The NPDES permit issued to JM consisted of an Industrial Stormwater General Permit for discharge of stormwater into waters of the state. Part 2, Condition 2.2 of the permit is stated to require JM 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 CAO provides that a complete RNOI was not received by July 1, 2019, by DEQ. Such failure to submit by the referenced date is stated to be a violation of Part 2, Condition 2.2 of the permit. DEQ is stated to have notified JM that coverage under the permit had expired on September 20, 2019.

DEQ is stated to have confirmed that the Facility was still operating on September 30, 2019. Because the Facility is stated to have operated beyond the June 30, 2019, expiration date of the permit, it is stated to be a violation of 40 C.F.R. § 122.26 as adopted by Arkansas Pollution Control and Ecology Commission Regulation No. 6.

JM is stated to have subsequently submitted on October 16, 2019, a Notice of Intent and Stormwater Pollution Prevention Plan. Further, JM is stated to have submitted on October 23, 2019, a No Exposure

Certification Form in lieu of the previously submitted Notice of Intent and Stormwater Pollution Prevention Plan. DEQ issued a Notice of Coverage No Exposure Exclusion on November 20, 2019.

The CAO assesses a civil penalty of \$1,000, which could have been reduced by one half if the document was signed and returned to DEQ within 20 calendar days of its receipt.

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