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## Stormwater Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and Nevada County Transfer Station Enter into Consent Administrative Order

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The Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) and Nevada County entered into a March 20th Consent Administrative Order (“CAO”) addressing an alleged violation of a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit. See LIS No. 20-142.

The CAO provides that Nevada County operates a transfer station (“Station”) in Prescott, Arkansas.

The Station is stated to be regulated pursuant to an NPDES permit. The NPDES permit is described as an Industrial Stormwater General Permit (“Stormwater Permit”). The Stormwater Permit is stated to have an effective date of July 1, 2014, and an expiration date of June 30, 2019.

Part 2, Condition 2.2 of the Stormwater Permit is stated to require Nevada County 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 Nevada County was notified that the Stormwater Permit would expire on June 30, 2019, and that in order to continue the regulated activity, a complete RNOI must be submitted no later than June 30, 2019.

A complete RNOI is stated to have not been received by DEQ by July 1, 2019. Such alleged failure to submit the RNOI by the relevant date is stated to be a violation of Part 2, Condition 2.2 of the Stormwater Permit.

DEQ is stated to have confirmed that the Station was still operating. As a result, it is alleged that the Station has been operated beyond the June 30, 2019, expiration date of the Stormwater Permit constituting a violation of 40 C.F.R. § 122.26.

Nevada County is stated to have submitted a complete Notice of Intent on October 16, 2019. Further, Nevada County submitted a Stormwater Pollution Prevention Plan and accompanying fee on November 13, 2019.

The CAO requires that Nevada County comply with the NPDES Industrial Stormwater General Permit ARR000000 with the effective date of July 1, 2019, until DEQ issues a Notice of Coverage to Nevada County. Further, a civil penalty of \$1,000 is assessed which could have been reduced to \$500 if the CAO was returned to DEQ within 20 calendar days of its receipt.

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