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

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The Arkansas Department of Energy & Environment – Division of Environmental Quality (“DEQ”) and White Oaks Storage LLC (“White Oaks”) entered into a March 3rd Consent Administrative Order (“CAO”) addressing alleged violations of a Construction National Pollutant Discharge Elimination System (“NPDES”) stormwater permit. See LIS No. 23-019.

The CAO provides that White Oaks operates a construction site (“Site”) in North Little Rock, Arkansas.

The Site is stated to discharge stormwater to an unnamed tributary of White Oak Bayou. Such discharge is subject to regulation pursuant to a Clean Water Act NPDES permit.

White Oaks is stated to have submitted a Notice of Intent (“NOI”) and Stormwater Pollution Prevention Plan (“SWPPP”) for coverage under the Stormwater General Permit on June 23, 2021. A Renewal NOI is stated to have been submitted to DEQ on September 12, 2021.

DEQ is stated to have undertaken a Construction Stormwater Inspection on December 15, 2021, of the Site. Such inspection is stated to have indicated the following violations:

- The Notice of Coverage was not posted near the entrance of the construction site and was not visible to the public.
- The SWPPP and inspection reports were not available at the Site during normal business hours.
- All Best Management Practices (BMPs) for stormwater controls listed in the SWPPP and the site map have not been installed and implemented at the Site.
- Silt fences, check dams, velocity dissipation, sedimentation basins, and sediment traps implemented at the Site have not been installed properly and maintained.
- The Site entrance is not sufficiently stabilized to prevent offsite tracking.
- Inspection records are not being maintained at the Site or are not being conducted in accordance with the SWPPP and the requirements set forth in the Permit.
- Solid waste was not being controlled as described in the SWPPP.
- The concrete wash-out area is not identified correctly on the Site map.

- Sediment has migrated off the Site and is likely to discharge into and cause pollution of waters of the state.
- Sediment that has escaped the Site has not been removed.

DEC notified White Oaks on February 25, 2022, the results of the inspection, to which White Oaks responded on March 10, 2022.

The CAO provides that DEQ notified White Oaks that the response it provided did not sufficiently address the alleged violations referenced in the inspection report and additional documentation was required. White Oaks is stated to have not submitted the additional documentation as of the date of the CAO.

The CAO requires that White Oaks immediately implement Best Management Practices (“BMPs”) and correct the items referenced in the Findings of Fact Paragraph 11. Further, within 30 calendar days of the effective date of the CAO White Oaks is required to submit to DEQ a comprehensive Corrective Action Report that includes but is not limited to photographs detailing the improvements made at the Site to correct the violations and prevent recurrences.

White Oaks is also required within 30 calendar days of the effective date of the CAO to submit to DEQ a revised SWPPP that contains the BMPs utilized at the Site and a revised Site map. In addition, on or before the 15th day of the month following the effective date of the CAO and each month thereafter for a period lasting until the CAO is closed or until the permit has been terminated by DEQ, whichever occurs first, White Oaks is required to submit monthly progress reports documenting the ongoing good housekeeping and all corrective actions taken to ensure silt and sediment are not leaving the Site.

A civil penalty of \$8,750 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](#).