Wastewater Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and Greenbriar Rock Crushing/Asphalt Production Facility Enter into Consent Administrative Order

Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

07/22/2024

Part III Section D, Condition 10 of the RGI NPDES permit requires the submission of a complete permit renewal application at least 180 days prior to the expiration date of the permit if the activity regulated by the permit is to continue after its expiration date. RGI is stated to intend to operate the Facility beyond the expiration date of the current NPDES permit.

RGI is stated to have submitted documents for its renewal application to DEQ on December 4, 2023. Such renewal application was stated to have been submitted via the DEQ ePortal system. DEQ is stated to have identified certain items that RGI needed to complete or correct before the application is complete.

RGI reported that on January 5th, its renewal application was locked for review in the DEQ ePortal system and that it attempted to submit revised forms 2C and 2F via the system on January 11 but was unable to do so since the renewal application remained “locked for review”. RGI is stated to have asked DEQ through the DEQ ePortal system how it could upload additional requested information and revisions of previously submitted data requested by DEQ through the system.

DEQ unlocked RGI’s renewal application on January 22. On January 23 RGI provided the updated renewal application submission and executed it in the ePortal system.

RGI is stated to have submitted additional information to complete the application on February 6, and on March 12 DEQ informed RGI that the permit renewal application was deemed to be administratively complete. DEQ informed RGI on March 12 that its complete permit renewal application was not received by January 2. However, RGI is stated to disagree with DEQ’s determination.

RGI neither admits nor denies the factual and legal allegations contained in the CAO. CAO requires that RGI comply with its existing NPDES permit until either the effective date of the permit renewal or the effective date of the permit termination.

A copy of the CAO can be downloaded here.