



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

Stormwater Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and White County Construction Stormwater Site Enter into Consent Administrative Order

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The Arkansas Department of Energy and Environment - Division of Environmental Quality ("ADEQ") and Searcy City Center ("SCC") entered into an August 20th Consent Administrative Order ("CAO") addressing alleged violations of a Construction Stormwater (General Permit) ("Permit. See Case #: CAO-25-0078.

The CAO provides that SCC operates a construction stormwater site in Searcy, Arkansas.

ADEQ issued a Notice of Coverage under the Permit on January 28, 2022, with an expiration date of October 31, 2026.

ADEQ is stated to have performed an evaluation at the site on December 30, 2024. Further, the CAO provides that SCC failed to respond to ADEQ correspondence regarding alleged noncompliance items.

The CAO lists the following alleged violations:

- Failure to conduct inspections at the frequency specified in the stormwater pollution prevention plan ("SWPPP").
- Failure to include all disturbed areas of the Site and all applicable offsite areas in inspections
- Failure to implement corrective actions within three (3) business days.
- Failure to retain and certify inspection records.
- Failure to update the SWPPP as required by the Permit.
- Failure to address proper installation, operation, and maintenance of all stormwater controls in inspections.
- Failure to post the NOC at the site entrance where it is visible to this public.
- Failure to maintain sediment and erosion controls.
- Failure to construct the sediment basin outlet structure to withdraw water from the surface.
- Failure of the Responsible Official to sign the SWPPP Certification.
- Failure to maintain a rain gauge on site.

- Failure to retain the SWPPP and inspection reports at the construction site during normal business hours.
- Failure to design, install, or maintain erosion and sediment controls to minimize the discharge of pollutants.

The CAO requires that SCC immediately comply with the Permit. Further, within 30 calendar days of the effective date of the CAO SCC is required to submit an adequate written response addressing the alleged violations cited during the 2024 evaluation. Certain information must be included.

The CAO also requires that within 60 days of the effective date of the CAO SCC submit documentation with photographs demonstrating that the sediment basin has been constructed.

Monthly progress reports are required.

The CAO assesses a civil penalty of \$11,750, which could have been reduced by one-half if the document was signed and returned to ADEQ within 20 calendar days of its receipt.

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