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

10/26/2026

The CAO provides that DMSC operates a construction stormwater site located in Malvern, Arkansas.

ADEQ is stated to have investigated a complaint at the site on September 26, 2024. DSMC is stated to have provided written response to the agency regarding inspection results on January 31, 2025, and stated it had hired an engineering firm to respond to the inspection report and acquire necessary Permit coverage for the site.

Additional complaints were stated to have been received regarding the site and ADEQ subsequently performed a stormwater evaluation on December 19, 2024. DSMC submitted an additional response to an ADEQ notice of non-compliance indicating it was installing additional best management practices ("BMPs") and performing maintenance activities to comply with the Permit.

ADEQ subsequently notified DSMC that the response did not sufficiently address non-compliance items and additional documentation was required. An additional written response was provided by DSMC on February 14, 2025, with photographs of the site, including BMPs implemented.

The CAO alleges the following violations:

- Failure to update the SWPPP.
- Operating without a permit.
- Failure to maintain the sediment basin(s).
- Failure to initiate stabilization measures where construction activities have ceased for more than fourteen (14) days.
- Sediment controls are not maintained.
- Sediment is discharged, placed, or tracked off the construction site.
- Failure to design, install, or maintain erosion and sediment controls to minimize the discharge of pollutants.
- Failure to construct the sediment basin outlet structure to withdraw water from the surface.
- Failure to maintain the natural buffer zone.

- Failure to conduct inspections at the frequency specified in the SWPPP.

The CAO requires that DSMC immediately comply with the Permit, including implementing BMPs and initiating all corrective actions necessary to prevent the discharge of sediment and turbid water from the site. Further, on or before the effective date of this CAO, DSMC is required to submit a report detailing the actions taken to correct the alleged violations including a written summary detailing all corrective actions, documentation of BMPs installed, and any other improvements that have been made at the site. Monthly progress reports are required.

A civil penalty of \$10,600 is assessed, which could have been reduced to \$5,300 if the CAO was signed and returned to ADEQ within 20 calendar days of its receipt.

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