

Stormwater Facility Audit and Regulatory Compliance Evaluation for a Ready-Mix Concrete and Asphalt Facility



EKI provided litigation support to a client that operated a ready-mix concrete and asphalt company (facility). The complaint was filed against the facility by a regional environmental group under the Federal Water Pollution Control Act (Clean Water Act), 33 U.S.C. §§ 1311(a) and 1342(p). Plaintiffs alleged that the client had violated the National Pollutant Discharge Elimination System (NPDES) General Industrial Storm Water Permit No. CAS000001, State Water Resources Control Board Water Quality Order No. 92-12-DWQ, as amended by Order No. 97-03-DWQ (General Permit). EKI reviewed and evaluated technical information regarding historical stormwater management practices at the facility performed under the General Permit and provided assistance to the client and counsel during settlement discussions.

Based upon the review and assessment, EKI recommended improvements to the Stormwater Pollution Prevention Plan (SWPPP) and structural and non-structural best management practices (BMPs) to improve monitoring and reporting, reduce the amounts of rainfall that contacted sand and aggregate piles, and to enhance settling of solids before discharging stormwater from the facility. EKI also evaluated the technical merits of the citizen suit notice and determined that operations by our client were not covered under the United States Environmental Protection Agency Effluent Limitation Guidelines.

As a result of improvements to the SWPPP and BMPs that were performed during the 60-day notice period, and EKI's technical analysis of the notice itself, the citizen suit was unable to proceed. Our client avoided litigation and potential penalties alleged under the citizen suit.