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## **BAXTER COUNTY STORM WATER CASE SETTLED**

The parties involved in a lengthy storm water enforcement lawsuit involving several real estate developments in the Mountain Home area have reached a settlement on the penalty for water quality violations in the case, the last remaining aspect of the suit.

The Arkansas Department of Environmental Quality (ADEQ), Trout Unlimited (TU), along with Homeport Land Company, LLC, (Homeport), a residential development firm, and Benny G. Doyal, individually and as the owner and managing member of Homeport, filed the agreement March 24 in Baxter County Circuit Court.

The agreement provides for a total penalty of \$175,000 levied against Homeport and Doyal, to be divided among ADEQ, TU, and other local organizations which will be determined later.

ADEQ Director Teresa Marks said the agreement is important because it provides funding for projects to improve water quality in the Norfork River and its tributaries in the near future. "There are immediate needs in the Norfork watershed and this agreement provides us with resources to address those concerns right now," said Marks. "A long and costly appeals case could have resulted in months, or even years of delay before we might have reached a final judgment in this matter."

ADEQ is to receive \$50,000 by April 7, 2008, and the money will be placed in the agency's Remedial Action Trust Fund, which is designated by law for receipt of civil penalties collected by the ADEQ for environmental violations.

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## **Storm Water Penalty Settlement, Page Two**

TU is to be paid \$50,000, also by April 7, 2008, with a portion of the money to be used for attorney fees in the case, and any remaining funds to be set aside for projects to benefit the Norfolk River.

The remaining \$75,000 of the penalty will be paid to organizations selected by the ADEQ for use in projects to benefit the Norfolk River or the surrounding watershed area. The ADEQ will designate the organizations and amounts of funds to be paid to them by April 11, 2008, after considering all requests for beneficial projects submitted to the agency by April 3, 2008. Payment for the projects designated by the ADEQ will be due April 15, 2008, and the ADEQ will forward the money to the designated organizations by April 22, 2008.

Interested parties and organizations should send any detailed proposals for water quality projects on the Norfolk River or in its watershed which they would like to be considered for funding to Ellen Carpenter, Arkansas Department of Environmental Quality, 5301 Northshore Drive, North Little Rock, AR 72119.

Other provisions of the penalty settlement include a reaffirmation that all of the conditions regarding remedial actions and future operations in the various subdivision developments reached in a previous agreement among the lawsuit parties last March will be followed; and the issuance of a permanent injunction preventing Homeport and Doyal from operating a construction site without a storm water discharge permit or from operating a construction site in violation of state law or without an approved storm water permit.

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### **Storm Water Penalty Settlement, Page Three**

The agreement involves Overlook Estates and Mountain Top Estates, The Highlands Subdivision, and Big Bend Estates, subdivisions developed by Overlook Estates.

Inspections by the ADEQ in 2006 found numerous violations of state environmental regulations at the subdivision development sites. The construction activities were causing pollution of nearby waterways due to sediment runoff. The agency filed suit in Baxter County Circuit Court against Homeport and Doyal after months of attempting to secure compliance with the regulations and implementation of corrective actions. TU later filed to intervene in the lawsuit.

In March of 2007 an agreement was reached by the parties and filed with the Court to implement remedial actions to abate additional storm water damage to the area streams. That agreement did not address the issue of any monetary penalty for the violations, and that aspect of the case remained open. A trial on the penalty amount originally had been scheduled for March 6, 2008.