

News Release

Contact Information: Cecillea Pond-Mayo / 501.682.2287 / pond-mayo@adeq.state.ar.us

FOR RELEASE: December 14, 2010

ADEQ SEEKS INJUNCTION AND \$250,000 FINE AGAINST MINING OPERATION

The Arkansas Department of Environmental Quality (ADEQ) has filed a Complaint against Bluebird Sand, LLC of IZARD County for violations of the Arkansas Pollution Control Act. The Complaint was filed after the ADEQ found the company polluted a tributary to the White River which resulted in a fish kill.

The Complaint requests a preliminary injunction to order the company to stop all operations until it has the proper permits to discharge its wastewater into the waters of the state. The Complaint, filed today in circuit court, also requests a civil penalty of \$250,000 for causing pollution to waters of the state.

Bluebird Sand, LLC is a sand mining and processing facility located on an 11 acre site just north of Mount Pleasant. In December 2009, the company constructed a holding/recycle pond for process wastewater without first obtaining the necessary construction and stormwater permits. Bluebird is also prohibited from discharging wastewater into waters of the state since it does not have a National Pollution Discharge Elimination System (NPDES) permit.

On November 15, 2010, an ADEQ inspector responded to a citizen's complaint. The inspector found that a levee failed at one of Bluebird's ponds. The inspector also found the company's industrial wastewater was discharged into East Lafferty Creek resulting in increased turbidity and a deposit of visible sediment. East Lafferty Creek is a tributary of the White River.

While the ADEQ was preparing an enforcement action for the November 15 violation, the agency received a second complaint about another release from Bluebird's facility. On December 5, an ADEQ inspector found Bluebird had again discharged wastewater from its facility to East Lafferty Creek resulting in a noticeable change in appearance to the creek, increased turbidity, and a fish kill. The Arkansas Game and Fish Commission counted 59 dead fish.

The case has been filed in the Circuit Court of IZARD County, 16th Judicial District Division 4.