

ARKANSAS DEPARTMENT OF ENERGY AND ENVIRONMENT
DIVISION OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

City of Forrest City
303 North Rosser Street
Forrest City, AR 72336

LIS No. 17-085-001
Permit No. AR0020087
AFIN 62-00070

AMENDMENT NO. 001 TO CONSENT ADMINISTRATIVE ORDER

By mutual agreement of the City of Forrest City (Respondent) and the Division of Environmental Quality¹ (DEQ or “Division”), the Consent Administrative Order (CAO) LIS 17-085 is hereby amended as follows:

1. Respondent and DEQ have agreed to amend the Findings of Fact Section of CAO LIS 17-085, with the addition of the following paragraphs:

34. On March 7, 2018, Respondent submitted a Sanitary Sewer Evaluation Study (SSES) with a final compliance date of November 22, 2019.

35. On June 28, 2019, Respondent submitted Phase 2 of the SSES with a new final date of compliance of June 30, 2023.

36. On December 19, 2019, Respondent submitted a request to amend CAO LIS 17-085 and extend the final compliance date to June 30, 2023.

¹ Pursuant to Act 910 of 2019, the Arkansas Transformation and Efficiencies Act, the former Arkansas Department of Environmental Quality is now the Division of Environmental Quality in the newly created Department of Energy and Environment.

2. Respondent and DEQ have further agreed to amend the Order and Agreement Section of CAO LIS 17-085 by deleting Paragraph 5 and replacing that paragraph with the following:

5. Respondent shall comply with the terms, milestone schedule, and final compliance date of June 30, 2023, contained in the Phase 2 SSES. On or before June 30, 2023, Respondent shall submit a final report to DEQ from a P.E. licensed in the state of Arkansas certifying the corrective actions listed in the Phase 2 SSES, dated June 28, 2019, have been completed.

3. All provisions of CAO LIS 17-085 not explicitly modified by this Amended CAO LIS 17-085-001 shall remain in full force and effect and are hereby incorporated by reference.

4. This Amended CAO LIS 17-085-001, is subject to public review and comment in accordance with Ark. Code Ann. § 8-4-103(d) and APC&EC Regulation No. 8. This Amendment is effective upon the Director's Signature. DEQ retains the right for thirty (30) days following the close of the public comment period to rescind this Amendment based upon the comments received within the thirty (30) day public comment period notwithstanding the public notice requirements.

5. Nothing in this Amended CAO LIS 17-085-001 shall be construed as a waiver by DEQ of its enforcement authority over alleged violations not specifically addressed in CAO LIS 17-085, as amended by CAO LIS 17-085-001. Also, this Amended CAO does not exonerate Respondent from any past, present, or future conduct that is not expressly addressed in CAO LIS 17-085, as amended by CAO LIS 17-085-001, nor does it relieve Respondent of its responsibilities for obtaining any necessary permits.

6. Other than as set forth herein, this Amended CAO may not be altered, amended, or terminated except by written agreement signed by the Division and by Respondent, or by action of the Division exercising the right of rescission pursuant to Paragraph 4 above.

7. This Amended CAO has been reviewed and approved by the City Council of Respondent in a duly convened meeting with a quorum present. See copy of meeting minutes or resolution attached as Exhibit A.

8. The City Council of Respondent has authorized the Mayor and City Clerk/Treasurer to sign this Amended CAO on behalf of Respondent. See Exhibit A.

9. The City Council of Respondent has authorized the Mayor and City Clerk/Treasurer to expend funds for compliance activities required by this Amended CAO including but not limited to the payment of a civil penalty. See Exhibit A.

SO ORDERED THIS _____ DAY OF _____, 2020.

BECKY W. KEOGH, DIRECTOR

APPROVED AS TO FORM AND CONTENT:

City of Forrest City

BY: _____
(Signature)

(Typed or printed name)

TITLE: _____

DATE: _____