

# ARKANSAS

ENERGY & ENVIRONMENT

## ENVIRONMENTAL QUALITY

February 11, 2020

**CERTIFIED MAIL: 9489009000276060651974**

The Honorable Larry Bryant  
Mayor, City of Forrest City  
303 North Rosser  
Forrest City, AR 72336

Email [larrysbryant@gmail.com](mailto:larrysbryant@gmail.com)

RE: NPDES Permit Number AR0020087, AFIN 62-00070  
**PROPOSED CONSENT ADMINISTRATIVE ORDER ADMENDMENT**

Dear Mayor Byant:

On October 23, 2017, the Division of Environmental Quality (DEQ) and the City of Forrest City entered into Consent Administrative Order (CAO) LIS 17-085. Pursuant to Order and Agreement Paragraph two (2) of CAO LIS 17-085, the City of Forrest City agreed to achieve compliance with all permitted effluent limitations no later than December 31, 2019. On December 19, 2019, the City of Forrest City requested extension of final compliance date to June 30, 2023. After careful consideration, DEQ is willing to accept this request.

Enclosed is a copy of the CAO Amendment in this matter. If you choose to accept the terms of the CAO Amendment, please sign, date, and **return the original, embossed copy** to the address below within **twenty (20) calendar days** of receipt of this letter. Subsequently, the Director of DEQ will sign the CAO Amendment and City of Forrest City will be provided a copy, including information on the public notice process and the effective date of the CAO Amendment.

Should you wish to discuss this matter further, you may contact me at (501) 682-0064, or you may e-mail [pemberton@adeq.state.ar.us](mailto:pemberton@adeq.state.ar.us).

Sincerely,



Layne Pemberton  
Enforcement Analyst  
Office of Water Quality

CC: Calvin Murdock, Forrest City Utilities Manager Email: [whcm2@aol.com](mailto:whcm2@aol.com)  
Craig Johnson, Christ Engineers Inc. Email: [cjohnson@cristengineers.com](mailto:cjohnson@cristengineers.com)  
Mac Compton, RJN Group Email: [mcompton@rjnmail.com](mailto:mcompton@rjnmail.com)

### Division of Environmental Quality

5301 Northshore Drive, North Little Rock, AR 72118-5137  
[adeq.state.ar.us](http://adeq.state.ar.us)

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 Quality<sup>1</sup> (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.

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<sup>1</sup> 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.

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: Cedric Williams  
(Signature)

Cedric Williams  
(Typed or printed name)

TITLE: Mayor

DATE: 3-9-2020

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.

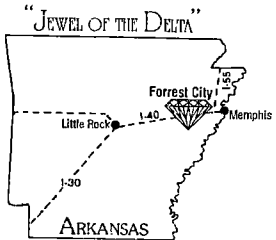
3. All provisions of CAO LIS 17-085 not explicitly modified by this Amended CAO LIS 17-085-001 shall remain in full force and effect and are hereby incorporated by reference.

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.

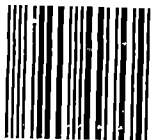
5. Nothing in this Amended CAO LIS 17-085-001 shall be construed as a waiver by DEQ of its enforcement authority over alleged violations not specifically addressed in CAO LIS 17-085, as amended by CAO LIS 17-085-001. Also, this Amended CAO does not exonerate Respondent from any past, present, or future 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.

City of Forrest C

P.O. Box 1074 • Forrest City, AR 72335



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U.S. POSTAGE PAID  
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 FORREST CITY, AR  
 72335  
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PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT.  
 OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

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Arkansas Department of  
 Environmental Quality  
 5301 Northshore Drive  
 North Little Rock, AR 72118-5317

72118-531799

