

CITY OF ALMA, ARKANSAS

RESOLUTION NO. 2019-7

A RESOLUTION CONSENTING TO THE ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY (ADEQ) CONSENT ADMINISTRATIVE ORDER AMENDMENT (CAOA) AND AUTHORIZING THE MAYOR AND CLERK TO SIGN THE CAO ON BEHALF OF THE CITY OF ALMA, CRAWFORD COUNTY, ARKANSAS.

WHEREAS, the City of Alma operates a wastewater treatment plant (facility) located at 2500 Orrick Rd, Alma, Crawford County, Arkansas; and

WHEREAS, the facility is regulated pursuant to the National Discharge Elimination System (NPDES); and

WHEREAS, the ADEQ is authorized under the Arkansas Water and Air Pollution Control Act to issue NPDES permits in the state of Arkansas and to initiate an enforcement action for any violation of an NPDES permit; and

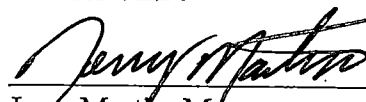
WHEREAS, the on several occasions, from August 1, 2013 through September 30, 2017, the facility violated the permitted effluent discharge limits; and

WHEREAS, the ADEQ and the City of Alma – WWTF entered into a Consent Administrative Order on January 4, 2018.

NOW, THEREFORE, BE IT RESOLVED that The City Council of Alma, Arkansas consents to the amended schedule of specified actions to bring the City's municipal waste treatment plant into compliance with applicable permit requirements as outlined in the CAO issued by the ADEQ Office of Water Quality, Enforcement Division and to authorizes the Mayor and Clerk to sign the CAO on behalf of the City.

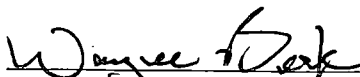
PASSED AND APPROVED by a majority of the City Council this ~~21~~²⁷ day of ~~FEBRUARY~~ 2019.

APPROVED:



Jerry Martin, Mayor

ATTEST:



Wayne Beck, City Clerk

ADEQ

ARKANSAS
Department of Environmental Quality

January 17, 2019

CERTIFIED MAIL: 9489 0090 0027 6060 6312 80

Honorable Jerry Martin
Mayor, City of Alma - WWTF
804 Fayetteville Ave.
Alma, AR 72921

RE: NPDES Permit Number: AR0021466, AFIN: 17-00059
NPDES Permit Effluent Violations
PROPOSED CONSENT ADMINISTRATIVE ORDER ADMENDMENT

Dear Mayor Martin:

On January 4, 2018, the Arkansas Department of Environmental Quality (ADEQ) and the City of Alma - WWTF entered into Consent Administrative Order (CAO) LIS 18-002. Pursuant to Order and Agreement Paragraph 3 of CAO LIS 18-002, the City of Alma - WWTF agreed to achieve compliance with all permitted effluent limitations no later than December 31, 2018. On November 20, 2018, the City of Alma - WWTF requested extension of final compliance date. After careful consideration, ADEQ 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. A City Council Resolution that approves the CAO and authorizes the Mayor and Clerk/Treasurer to sign the CAO Amendment on behalf of the City of Alma must also be submitted. Subsequently, the Director of ADEQ will sign the CAO Amendment and City of Alma - WWTF 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) 682-0699, or you may e-mail myrl.lawrence@adeq.state.ar.us.

Sincerely,



Myrl V Lawrence Jr.
Enforcement Analyst
Office of Water Quality

ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

City of Alma
811 Fayetteville Avenue, Suite A
Alma, AR 72921

LIS No. 18-002-001
Permit No. AR0021466
AFIN 17-00059

AMENDMENT NO. 001 TO CONSENT ADMINISTRATIVE ORDER

By mutual agreement of the City of Alma (“Respondent”) and the Arkansas Department of Environmental Quality (ADEQ or “Department”), the Consent Administrative Order (CAO) LIS 18-002 is hereby amended as follows:

1. Respondent and ADEQ have agreed to amend the Findings of Fact Section of CAO LIS 18-002, with the addition of the following paragraphs:

19. On November 20, 2018, Respondent submitted a request to the Department to amend CAO LIS 18-002. The request included an amended CAP with a revised corrective action method, a revised milestone schedule, and a new final date of compliance of December 31, 2019.

20. On November 21, 2018, the Department conducted a review of certified Discharge Monitoring Reports (DMRs) submitted by Respondent in accordance with the Permit. The review revealed two (2) violations for Fecal Coliform of the permitted effluent discharge limits detailed in Part I, Section A of the Permit from October 1, 2017 through November 1, 2018.

21. Each of the two (2) discharge limitation violations listed in Paragraph 20 above constitutes a separate permit violation for a total of two (2) separate violations of Ark. Code Ann. § 8-4-217(a)(3).

2. Respondent and ADEQ have further agreed to amend the Order and Agreement Section of CAO LIS 18-002, by deleting Paragraphs 2 and 3, and replacing the paragraphs with the following:

2. Respondent shall comply with the terms, milestone schedule, and final compliance date of December 31, 2019 detailed in the amended CAP submitted to the Department on November 20, 2018. Respondent shall submit to the Department quarterly progress reports detailing the work completed to correct the permitted effluent limit violations cited in Findings of Fact Paragraph 15 and 20. The first report shall be due on February 28, 2019 in accordance with the milestone schedule in the amended CAP. The milestone schedule and final compliance date of December 31, 2019, detailed in the amended CAP shall be fully enforceable as the terms of this Order.

3. On or before December 31, 2019, Respondent shall submit a certification of compliance from a Professional Engineer (P.E.) licensed in the state of Arkansas, stating that the corrective actions listed in the amended CAP submitted on November 20, 2018, have

been completed and that Respondent is in compliance with the effluent limitations of the Permit.

3. All provisions of CAO LIS 18-002 not explicitly modified by this Amended CAO LIS 18-002-001 shall remain in full force and effect and are hereby incorporated by reference.

4. This Amended CAO LIS 18-002, as amended by CAO LIS 18-002-001, 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. ADEQ 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-day public comment period notwithstanding the public notice requirements.

5. Nothing in this Amended CAO LIS 18-002-001 shall be construed as a waiver by ADEQ of its enforcement authority over alleged violations not specifically addressed in CAO LIS 18-002, as amended by CAO LIS 18-002-001. Also, this Amended CAO does not exonerate Respondent from any past, present, or future conduct that is not expressly addressed in CAO LIS 18-002, as amended by CAO LIS 18-002-001, 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 Department and by Respondent, or by action of the Department 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.

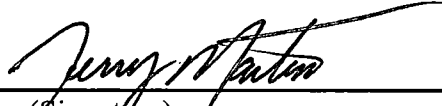
9. The City Council of Respondent has authorized the Mayor and City Clerk/Treasurer to expend funds for compliance activities required by this Order including but not limited to the payment of a civil penalty. See Exhibit A.

SO ORDERED THIS _____ DAY OF _____, 2019.

BECKY W. KEOGH, DIRECTOR

APPROVED AS TO FORM AND CONTENT:

City of Alma

BY: 
(Signature)

Jerry Martin
(Typed or printed name)

TITLE: Mayor

DATE: 2/21/19



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Alma Water
811 Fayetteville Ave
Alma, AR 72921



Myrl V Lawrence Jr
Office of Water Quality
Arkansas Department of Environmental Quality
5301 Northshore Drive
North Little Rock, Arkansas 72118-5317

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