



A R K A N S A S
Department of Environmental Quality

May 1, 2013

**CERTIFIED NUMBER 91 7199 9991 7030 4906 5947
RETURN RECEIPT REQUESTED**

Steve Dufrense
Director of Utilities
P.O. Drawer 1269
Van Buren, AR 72956

**RE: NPDES Permit Number AR0021482 & AR0040967,
AFIN 17-00062 & 17-00565
PROPOSED CONSENT ADMINISTRATIVE ORDER**

Dear Mr. Dufrense:

Attached is a proposed Consent Administrative Order (CAO) for violations of the Arkansas Water and Air Pollution Control Act, Ark. Code Ann. § 8-4-201 *et seq.*, at a site located 1401 Port Road and 1945 Wellnitz Drive in Van Buren, Arkansas. The Arkansas Department of Environmental Quality (ADEQ) has determined that this CAO is necessary to ensure compliance with the Act.

The enclosed CAO enumerates the violations in the "Findings of Fact" section, and outlines the steps required to achieve compliance in the "Order and Agreement" section of the CAO. Additionally, a civil penalty in the amount of \$2,362.50 is proposed by ADEQ to settle the violations outlined in this CAO. If you choose to accept the terms of the CAO, please sign, date, and return it to the address below within **thirty (30) calendar days** of receipt of this letter. Subsequently, the Director of ADEQ will sign the CAO and you will be provided a copy, including information on the public notice process and the effective date of the CAO.

In addition, you may have the option of directing a portion of your penalty toward a Supplemental Environmental Project (SEP) to advance environmental interests. Generally a SEP will not reduce the recommended administrative civil penalty by more than thirty-five percent (35%); however, the ADEQ Director has the final authority to establish the level of mitigation of a penalty. If you are interested in a SEP as part of your negotiated settlement, please refer to ADEQ's SEP Policy and Proposal Guidelines at <http://www.state.ar.us/legal/sep.htm> for additional information.

Failure to contact the ADEQ Water Division Enforcement Branch in response to this CAO within **thirty (30) calendar days** of receipt of this letter will constitute rejection of the settlement offer and unilateral enforcement action may proceed through a Notice of Violation (NOV). Should you wish to discuss this matter further, or schedule a meeting, you may contact me at (501) 682-0823, or you may e-mail suel@adeq.state.ar.us.

Sincerely,

Kevin Suel, Enforcement Analyst
Water Division, Enforcement Branch