

ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

Van Buren Municipal Utilities Commission  
P.O. BOX 1269  
Van Buren, AR, 72957

LIS No. 13-088-001  
Permit No. AR0021482 & AR0040967  
AFIN 17-00062 & 17-00565

FIRST AMENDMENT TO CONSENT ADMINISTRATIVE ORDER LIS 13-088

This FIRST AMENDEDMENT TO CONSENT ADMINISTRATIVE ORDER LIS 13-088 (hereinafter "CAO LIS 13-088-001" or "First Amended CAO") is issued pursuant to the authority of the Arkansas Water and Air Pollution Control Act, Ark. Code Ann. § 8-4-101 *et seq.*, and the Arkansas Pollution Control and Ecology Commission ("APC&EC") regulations promulgated thereunder including, but not limited to, Regulation No. 2: Regulation Establishing Water Quality Standards for Surface Waters of the State of Arkansas; and Regulation No. 8: Administrative Procedures. By mutual agreement of Van Buren Municipal Utilities (hereinafter "Respondent") and the Arkansas Department of Environmental Quality (hereinafter "ADEQ" or "Department"), CAO LIS 13-088 is hereby amended as follows:

**FINDINGS OF FACT**

1. On June 6, 2013, the Respondent and ADEQ entered into CAO LIS 13-088.
2. The Respondent and ADEQ have agreed to amend the Findings of Fact section of CAO LIS 13-088 to incorporate and add Paragraph 14 to include the following:

On May 21, 2014, Respondent submitted written notification requesting an extension on the deadline for the submittal of the Sewer System Evaluation Study (hereinafter "SSES") and Capacity, Management, Operation and

Maintenance (hereinafter "CMOM") Program. The extension request was due to delays with their contractor not finishing deadlines on time, weather-related delays and the extensive work required such as a hydraulic model that was developed this past year. Therefore, Respondent would not meet the July 25, 2014 date for submission of the SSES and CMOM plans to the Department for review and approval.

### **ORDER AND AGREEMENT**

1. The Respondent and ADEQ have agreed to amend the Order and Agreement section of CAO LIS 13-088.
2. In CAO LIS 13-088, Order and Agreement Section, paragraph 12 is amended to state the following:

On or before January 21, 2015, the Respondent shall, through the assistance of a Professional Engineer (hereinafter "P.E") licensed in the State of Arkansas, develop and submit to ADEQ for approval a SSES for its sanitary sewer collection system.

3. In CAO LIS 13-088, Order and Agreement Section, paragraph 13 is amended to state the following:

On or before January 21, 2015, the Respondent shall, through the assistance of a Professional Engineer (hereinafter "P.E.") licensed in the State of Arkansas, develop and submit to ADEQ for approval a CMOM for its sanitary sewer collection system.

4. This First Amended CAO is subject to public review and comment in accordance with Ark. Code Ann. § 8-4-103(d) and APC&EC Regulation No. 8. This First Amended

CAO is effective upon the Director's Signature. ADEQ retains the right to rescind this First Amended CAO based upon the comments received within the thirty-day public comment period notwithstanding the public notice requirements.

5. Nothing in this First Amended CAO shall be construed as a waiver by ADEQ of its enforcement authority over alleged violations not specifically addressed in CAO LIS 13-088-001 or CAO LIS 13-088. Also, this First Amended CAO neither exonerates the Respondent from any past, present, or future conduct that is not expressly addressed in CAO LIS 13-088-001 or CAO LIS 13-088, nor relieves the Respondent of its responsibilities for obtaining any necessary permits.

6. All provisions of CAO LIS 13-088 not explicitly modified by this CAO LIS 13-088-001 shall remain in full force and effect and are hereby incorporated by reference.

7. This First Amended CAO has been reviewed and approved by the Van Buren Municipal Utilities Commission and the Director of Utilities of the Respondent in a duly convened meeting with a quorum present. Attached and marked for identification purposes as "Exhibit A" is a copy of meeting or resolution describing such approval.

8. The Van Buren Municipal Utilities Commission of the Respondent has authorized the Director of Utilities to sign this First Amended CAO on behalf of the Respondent.

SO ORDERED THIS 4<sup>th</sup> DAY OF August, 2014.

*Teresa Marks*  
TERESA MARKS, DIRECTOR

APPROVED AS TO FORM AND CONTENT:

Van Buren Municipal Utilities

BY: *Steve Dufresne*  
(Signature)

\_\_\_\_\_  
(Typed or printed name) **STEVE DUFRESNE**  
**DIRECTOR OF UTILITIES**

TITLE: \_\_\_\_\_ **STEVE DUFRESNE**  
(Responsible Official) **DIRECTOR OF UTILITIES**

DATE: 7-15-2014

ATTEST:

BY: *Paul Muns*

TITLE: *Operator Sept*





RESOLUTION

A RESOLUTION, APPROVING THE FIRST AMENDMENT TO ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY CONSENT ADMINISTRATIVE ORDER LIS 13-088

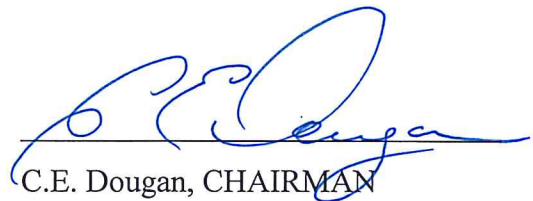
WHEREAS, the Van Buren Municipal Utilities and the Arkansas Department of Environmental Quality entered into Consent Administrative Order LIS 13-088 on June 6, 2013, and

WHEREAS, on May 21, 2014, the Van Buren Municipal Utilities submitted written notification to the Arkansas Department of Environmental Quality requesting an extension of the July 25, 2014 deadline for submission of the Sewer System Evaluation Study (SSES) and Capacity, Management, Operation and Maintenance Program (CMOM) until January 21, 2015, and

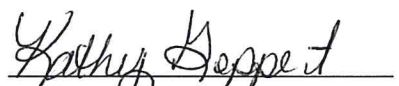
WHEREAS, the Arkansas Department of Environmental Quality, by amendment to CAO LIS 13-088, has agreed to grant the requested extension.

NOW THEREFORE, be it resolved, the Van Buren Municipal Utilities Commission does hereby approve Consent Administrative Order LIS 13-088-001, the First Amendment to Consent Administrative Order LIS 13-088.

PASSED this 15th day of July, 2014.

  
C.E. Dougan, CHAIRMAN

ATTEST:

  
Kathy Geppert, SECRETARY



Commission:  
C.E. Dougan  
John Barnwell  
J.W. Floyd  
Jim Williamson  
Todd Young



Attorney  
Paul Gant

Secretary  
Kathy Geppert

“Providing Water, Sewer, and Sanitation Services”  
2806 Bryan Road / P.O. Drawer 1269  
Van Buren, Arkansas 72957  
479-474-5067 / Fax 479-471-8969  
Van Buren Municipal Utilities

July 18, 2014

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

Re: Consent Administrative Order LIS 13-088  
CMOM Annual Report #2, July 31, 2014

Dear Sirs:

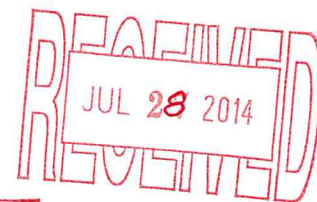
In accordance with Consent Administrative Order LIS 13-088, Paragraph 13.g.i.;

This letter serves as the annual report on the implementation of the Van Buren Municipal Utilities CMOM, to be submitted to ADEQ on or before July 31, 2014.

On July 11, 2013, the Van Buren Municipal Utilities entered into an Agreement for Professional Services with Hawkins-Weir Engineers, Inc. for Development of a CMOM Program.

In June 2013, Van Buren staff began work on the proposed CMOM program. The most significant CMOM milestone met to date has been the complete development of Design Standards, Construction Specifications, and Construction Details to guide in the future design and construction of infrastructure improvements to the sanitary sewage collection system. This approximately 184-page document was adopted by the Van Buren Municipal Utilities Commission on May 14, 2014. A copy of these documents will be included in the final CMOM report.

Although we have completed a large percentage of the CMOM program report to date, the CAO requires that we evaluate the collection system and its ability to convey base and peak weather flows. The capacity of the existing collection system and development of a list of system improvements for the CMOM program cannot be completed until the hydraulic model is completed under the SSES task. The model may also be useful to



identify sewer segments for operation and maintenance (O&M) activities, particularly sewers suspected of experiencing peak or surcharged flow.

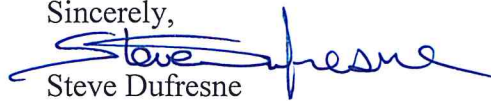
At this point, we cannot define the estimated costs of sewer improvements until all of the collection system deficiencies have been identified and prioritized by means of the model analyses. In an attempt to minimize the impact of the modeling delays on completion of the SSES and CMOM, we have completed an evaluation of all sanitary sewage pump stations in Van Buren and have prepared cost estimates for Capital and O&M improvements for inclusion in the report.

The Van Buren Municipal Utilities has requested a six (6) month extension (CAO LIS 13-088-001) of our CAO schedule with the following interim milestone dates:

- November 12, 2014     Submit a draft copy of the CMOM report, including the SSES report, to the Van Buren Municipal Commission for review and approval
  
- January 21, 2015     Submit the CMOM report, including the SSES report, to the Arkansas Department of Environmental Quality for review and approval

If you have any questions or require further information please contact me.

Sincerely,



Steve Dufresne  
Director of Utilities

Cc: Correspondence file  
Hawkins-Weir Engineers, Inc