



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

January 24, 2013

Steve Dufrense  
Van Buren Municipal Utilities  
P.O. Box 1269  
Van Buren, AR. 72957

**RE: NPDES Permit No. AR0021482 & AR0040967, AFIN 17-00062 & 17-00565,  
Response to letter dated January 7, 2013 regarding the  
Proposed Consent Administrative Order (CAO)**

Dear Mr. Dufrense:

The Department is in receipt of the letter dated January 7, 2013 regarding the proposed Consent Administrative Order. The proposed Civil Penalty for the Consent Administrative Order is Three Thousand One Hundred Fifty Dollars (\$3,150.00) to settle the violations outlined in the Order.

The January 7, 2013 letter requested that the Van Buren Municipal Utilities Commission and Director of Utilities be added to Paragraph 11, 12 and 13 of the Order and Agreement instead of the City Council, Mayor, and City Clerk/Treasure. This change has been updated into the proposed CAO.

The letter requested a reduction in the proposed penalty by twenty five percent (25%). A reduction in twenty five percent (25%) would reduce the penalty to Two Thousand Three Hundred Sixty Two Dollars and Fifty Cents (\$2,362.50). The letter also requested that an additional thirty five percent (35%) of the reduced penalty be applied towards a Supplemental Environmental Project (SEP). Before the Department can approve the reduction in penalties and the reduction in the reduced civil penalty for the purpose of the SEP, the Department will need to know more information regarding the proposed SEP.

In order for the enforcement staff to begin its evaluation of a proposed SEP, the following information is required:

1. **Enforcement Action** - Indicate the name of the entity and the location of the site associated with the enforcement action. Include the city and county.
2. **Regulatory Information** - Provide a brief summary of all environmental enforcement actions, including compliance status, relating to the site identified above. For on-site projects, provide all ADEQ and Environmental Protection Agency (EPA) permit and account numbers related to this facility for all media.
3. **Project Name** - SEP Title
4. **Project Manager** - Provide the name, mailing address, telephone number, and fax number for the project manager, organization conducting the project (if different from the Person), and the person who will be responsible for submitting status reports (if different from the project manager). If the project will be conducted by a third party to the ADEQ enforcement action, the proposal should be accompanied by a letter or resolution from the appropriate board, governing body, or executive staff expressing the organization's commitment to the project if approved.

5. **ADEQ Contact Person** - Provide the name, division, and telephone number of any ADEQ staff person who has assisted with the development of this project.
6. **Geographical Area to Benefit From Project** - Identify cities, counties, and watersheds that would benefit from the project.
7. **Types of Projects:**
  - o Pollution prevention/reduction
  - o Environmental restoration/protection
  - o Environmental regulatory compliance/technical assistance
  - o Environmental education/assistance
  - o Other environmental projects beneficial to neighboring community
8. **Project Description** - Describe the project including the following information: need for the project; availability of other similar services or projects in the area; and project implementation tasks such as technology, operation, or process changes.
9. **Expected Environmental Benefits** - Explain the expected environmental benefits of this project and quantify the environmental benefits to the extent practical.
  - o For pollution prevention or reduction projects - Quantify the amount of each pollutant that is expected to be reduced beyond the level required for environmental compliance. Specify the media (air, water, land) to be benefited.
  - o For all other types of projects - Quantify the number of participants, programs offered, sites cleaned, types of contamination contained/removed, acres restored or affected, etc.
10. **Project Budget** - Provide projected initial and annual project costs with specific line item expenditures. Costs must be clearly and solely attributable to the proposed SEP.
11. **Project Schedule** - Provide a proposed schedule that addresses project implementation, the submittal of status reports to ADEQ, and the anticipated completion date. Project implementation must not commence until after ADEQ has approved the SEP in an executed enforcement action.
12. **Accounting** - Describe how SEP contributions would be accounted for if a third party is the proposed project implementer.
13. **Reporting** - Describe the information and documentation that would be included in project status reports. Project reports must provide sufficient information for ADEQ to monitor the project implementation status, to verify and document the proper expenditure of SEP funds, and to evaluate the effectiveness and benefits of the SEP.
14. **Prior Commitments and/or Regulatory Requirements:**
  - o Identify any applicable local, state, or federal regulations that would require implementation of this project or any part of this project.
  - o Identify any binding private commitments to implement this project or any part of this project.
  - o Identify any other requirement to implement this project or any part of this project.
  - o Indicate the time frame for implementation of the project under any aforementioned commitments.
15. **Certification of Expenditures by Respondent** - Provide a separate certification that the proposed SEP is solely attributable to the settlement of the current enforcement action and that no funding has been budgeted to the project prior to the approval of the project, nor is the proposed project funded by grants, donations, low interest loans, or other sources of funding not attributable to the Person's normal

budgetary process. Also certify that the proposed project is not being done, nor will receive credit, as part of an environmental incentive or awards program, offered by federal, state, local government; industry, etc.

Please submit the proposed SEP information to the Department by February 6, 2013 for evaluation by the Department. Once the SEP information is received, the Enforcement Branch will review and route this information through the Department for approval. The Department will correct and update the proposed CAO to incorporate the proposed SEP along with the additional thirty five percent reduction of the proposed reduced penalty if approved by the Director. Once a final draft of the proposed CAO is complete, the Department will mail the CAO for signature.

Thank You for your attention to this matter. If I can be of further assistance, please do not hesitate to call me at 501-682-0823, or you can e-mail me at [suel@adeq.state.ar.us](mailto:suel@adeq.state.ar.us).

Sincerely,

A handwritten signature in black ink, appearing to read "K. W. Suel". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Kevin Suel  
Enforcement Analyst  
Water Division Enforcement Branch