

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

# MUNICIPAL UTILITIES

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 15, 2014

Mr. Kevin Suel  
Water Division, Enforcement Analyst  
Arkansas Department of Environmental Quality  
5301 Northshore Drive  
North Little Rock, AR 72118-5317

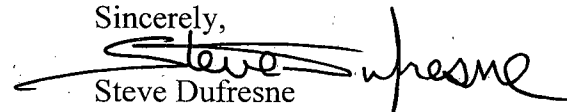
Re: Consent Administrative Order LIS 13-088-001  
CERTIFIED MAIL: 7011 2970 0002 2765 0087

Dear Mr. Suel:

Please find the attached signed CAO LIS 13-088-001 and a Resolution passed by the Van Buren Municipal Utilities Commission approving CAO LIS 13-088-001.

If you have any questions please let me know.

Sincerely,

  
Steve Dufresne  
Director of Utilities

Enclosure: CAO LIS 13-088-001  
Resolution approving LIS 13-088-001  
June 20, 2014 letter from ADEQ to VBMU  
June 24, 2014 email from Steve Dufresne to Kevin Suel

cc: file

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

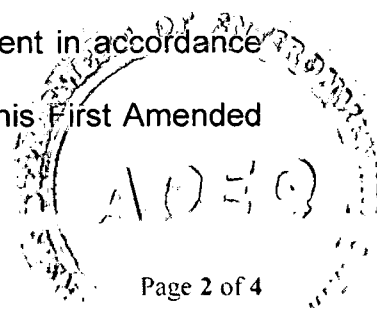
1. The Respondent and ADEQ have agreed to amend the Order and Agreement section of CAO LIS 13-088.
2. In CAO LIS 13-088, Order and Agreement Section, paragraph 12 is amended to state the following:

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

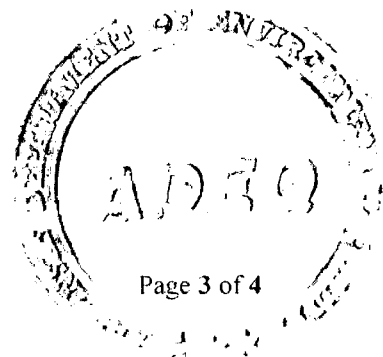


CAO is effective upon the Director's Signature. ADEQ retains the right to rescind this First Amended CAO based upon the comments received within the thirty-day public comment period notwithstanding the public notice requirements.

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 \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.

\_\_\_\_\_  
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**

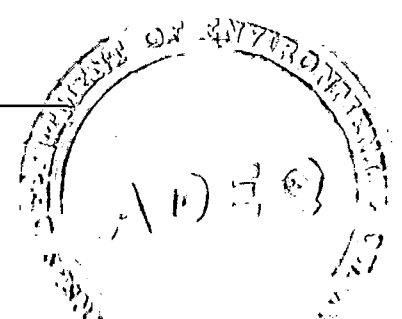
TITLE: \_\_\_\_\_  
(Responsible Official) **STEVE DUFRESNE**  
**DIRECTOR OF UTILITIES**

DATE: 7-15-2014

ATTEST:

BY: Paul Mans

TITLE: Operator Sept



RESOLUTION

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

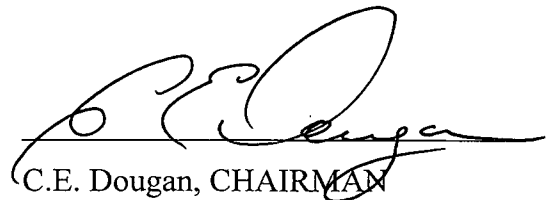
WHEREAS, the Van Buren Municipal Utilities and the Arkansas Department of Environmental Quality entered into Consent Administrative Order LIS 13-088 on June 6, 2013, and

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

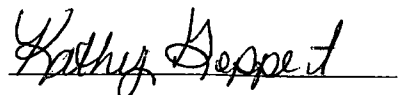
WHEREAS, the Arkansas Department of Environmental Quality, by amendment to CAO LIS 13-088, has agreed to grant the requested extension.

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.

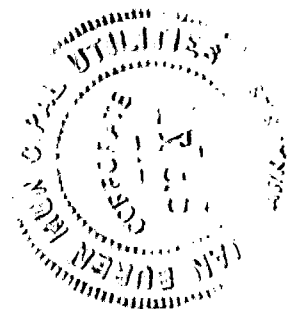
PASSED this 15th day of July, 2014.

  
C.E. Dougan, CHAIRMAN

ATTEST:



Kathy Geppert, SECRETARY



# ADEQ

ARKANSAS  
Department of Environmental Quality

June 20, 2014

CERTIFIED MAIL: 91 7199 9991 7030 4907 2280

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

RE: Van Buren Municipal Utilities Commission, AR0021482 & AR0040967,  
Proposed Amendment to Consent Administrative Order 13-088

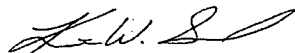
Dear Mr. Dufresne:

On May 21, 2014, Van Buren Municipal Utilities (hereinafter "VBMU") submitted a letter to ADEQ requesting an extension for submitting a copy of the Capacity, Management, Operation, and Maintenance Program Manual and for the Sewer System Evaluation Survey report until January 21, 2015. Based on the request to extend compliance dates in Consent Administrative Order (CAO) LIS 13-088, the Department is proposing the enclosed Amendment to CAO 13-088-001.

If, after careful review and consultation VBMU wish to accept the terms of the CAO Amendment, please sign, date and return it by July 8, 2014. It will then be signed by our Director and you will be provided with a final copy along with information about the effective date and the public notice process.

ADEQ appreciates your efforts concerning this matter. Should you have any questions, feel free to contact me at 501-682-7399 or e-mail me at [suel@adeq.state.ar.us](mailto:suel@adeq.state.ar.us).

Sincerely,



Kevin Suel  
Enforcement Analyst  
NPDES Enforcement Section

**steve@vbmua.arcoxml.com**

---

**From:** <steve@vbmua.arcoxml.com>  
**Date:** Tuesday, June 24, 2014 4:47 PM  
**To:** "Kevin Suel" <SUEL@adeq.state.ar.us>  
**Attach:** VB CAO 13-088-001 AMENDMENT.pdf  
**Subject:** Proposed Amendment to VB Consent Administrative Order 13-088

Kevin Suel  
Enforcement Analyst  
NPDES Enforcement Section  
Arkansas Department of Environmental Quality

Kevin,  
After a review of the attached Proposed Amendment to Consent Administrative Order 13-088;

I realized that Paragraph 7 requires that the amended CAO be reviewed and approved by the Van Buren Municipal Utilities Commission at a duly convened meeting.

The VBMU Commission is not scheduled to meet until Wednesday July 16, 2014 at noon. I plan to request approval by resolution at that meeting and should be able to mail the Amendment and resolution shortly after. I would request to be granted until Friday July 18, 2014 to return the signed Amendment.

If you need further information please let me know.

Respectfully,

Steve Dufresne  
Director of Utilities  
Van Buren Municipal Utilities  
2806 Bryan Road  
Van Buren, Arkansas 72956  
479-474-5067

06/25/2014



**CERTIFIED MAIL™**

**VAN BUREN MUNICIPAL UTILITIES**

*Providing Water, Sewer and Solid Waste Services*

2806 Bryan Road

P.O. DRAWER 1269

VAN BUREN, ARKANSAS 72957



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JUL 15 2014

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Drive  
Little Rock, AR 72118-5317

