



**DIVISION OF
ENVIRONMENTAL QUALITY**

Sarah Huckabee Sanders
GOVERNOR

Shane E. Khoury
SECRETARY

January 18, 2024

EMAIL: CGeffken@fortsmithar.gov

Carl Geffken, City Administrator
City of Fort Smith
801 Camall Ave, Suite 500
Fort Smith, AR72901

**RE: NPDES Permit Number AR0021750, AFIN 66-01652
PROPOSED CONSENT ADMINISTRATIVE ORDER**

Dear Mr. Geffken:

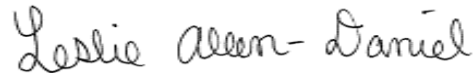
Attached is a proposed Consent Administrative Order (CAO) for violations of the Arkansas Water and Air Pollution Control Act, Ark. Code Ann. § 8-4-201 *et seq.*, at a site located at 1609 North 9th Street, Barling, Arkansas. The Division of Environmental Quality (DEQ) has determined that this CAO is 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 \$3600.00 is proposed by DEQ to settle the violations outlined in this CAO. However, if the City of Fort Smith fully complies with this Order, DEQ will suspend and ultimately dismiss the entire civil penalty. If you choose to accept the terms of the CAO, please sign, date, and **return the signed 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 City Administrator to sign the CAO on behalf of the City of Fort Smith must also be submitted. Subsequently, the Chief Administrator of DEQ 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 DEQ 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 DEQ’s SEP Policy and Proposal Guidelines at <http://www.state.ar.us/legal/sep.htm> for additional information.

Failure to contact DEQ's Office of Water Quality, Enforcement Branch in response to this CAO within **twenty (20) 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) 682-0630, or you may e-mail leslie.allen-daniel@adeq.state.ar.us.

Sincerely,

A handwritten signature in cursive script that reads "Leslie Allen-Daniel".

Leslie Allen-Daniel
Compliance Coordinator, OWQ, DEQ

Cc: Lance McAvoy, Director of Water Utilities McAvoy, LanceM@FortSmithAR.gov