

## Anderson, Alan

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**From:** Anderson, Alan  
**Sent:** Tuesday, June 03, 2014 11:19 AM  
**To:** smallett@citycorporation.com  
**Cc:** Healey, Richard; Johnson, Miles  
**Subject:** Amended CAO LIS 09-146-001  
**Attachments:** AR0021768\_Russellville LIS 09-146-001\_20140602.pdf

Steve:

Please find attached Amended CAO LIS 09-146-001. The Amended CAO was executed on June 2, 2014 and is scheduled to go to Public Notice on June 10, 2014. The Amended CAO will become effective after the 30 day Public Notice period which will be July 10, 2014.

Please make note of these important dates included in the Amended Order and Agreement Section:

- Paragraph 2- Final compliance with the permitted effluent limits for TSS has been extended to January 10, 2016. This coincides with the final compliance date for Nitrates. A report which certifies compliance with TSS and Nitrates must be submitted on or before January 10, 2016.
- Paragraph 3- Compliance with all other permitted effluent limits must be achieved by the effective date of the Amended CAO which will be July 10, 2014.
- Paragraphs 4 and 5- Sanitary Sewer Evaluation Survey Reports for each sub-basin are due to be submitted to ADEQ on or before May 1, 2017, and collection system remedial action and re-evaluation must be complete on or before March 31, 2022.
- Paragraph 7- A civil penalty in the amount of 20,000.00 is required to be paid within 30 days of the effective date which will be August 10, 2014. However, it is the understanding of the Water Division that Check # 129036, in the amount of \$20,000.00, was received by the ADEQ on May 13, 2014.

Should you have any questions concerning the above referenced matter, please do not hesitate to contact me at 501-682-0635, or e-mail.

Thank You

Alan Anderson  
Enforcement Analyst  
ADEQ Water Division  
501-682-0635

ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

City Corporation  
a/k/a Russellville City Corporation  
a/k/a City Corporation - Russellville Water and Sewer System  
P.O. Box 3186  
Russellville, AR 72811

LIS No. 09-146-001

Permit No. AR0021768  
AFIN 58-00105

AMENDED CONSENT ADMINISTRATIVE ORDER

By mutual agreement of City Corporation, a/k/a Russellville City Corporation, and a/k/a City Corporation - Russellville Water and Sewer System (hereinafter "Respondent") and the Arkansas Department of Environmental Quality (hereinafter "ADEQ" or "Department"), the Consent Administrative Order (hereinafter "CAO") LIS 09-146 is hereby amended as follows:

AMENDED FINDINGS OF FACT

1. Paragraph 9 of the Order and Agreement Section of CAO LIS 09-146 established July 31, 2012 as the date on which the Respondent was required to achieve compliance with Total Suspended Solids (hereinafter "TSS").
2. Since August 1, 2012, the Respondent reported violations of the permitted effluent limits for TSS for the months of February, March, and April, 2013.
3. On September 27, 2013, the Respondent submitted a letter to ADEQ requesting that CAO LIS 09-146 be amended to revise the compliance date for TSS to January 10, 2016 to coincide with the compliance date for Nitrates.

4. Additionally, from August 1, 2012 to September 30, 2013, the Respondent reported thirty-eight (38) violations of the permitted effluent limits as documented on the Discharge Monitoring Reports submitted by the Respondent for discharge 001A. The violations are as follows:

a. The Respondent reported four (4) violations of the permitted effluent limits for Carbonaceous Biochemical Oxygen Demand in violation of Part I, Section A of the Permit. This permit condition violation therefore violates Ark. Code Ann. § 8-4-217(a)(3).

b. The Respondent reported five (5) violations of the permitted effluent limits for Total Residual Chlorine in violation of Part I, Section A of the Permit and therefore violated Ark. Code Ann. § 8-4-217(a)(3).

c. The Respondent reported one (1) violation of the permitted effluent limits for Fecal Coliform in violation of Part I, Section A of the Permit and therefore violated Ark. Code Ann. § 8-4-217(a)(3).

d. The Respondent reported thirteen (13) violations of the permitted effluent limits for Total Recoverable Copper in violation of Part I, Section A of the Permit and therefore violated Ark. Code Ann. § 8-4-217(a)(3).

e. The Respondent reported six (6) violations of the permitted effluent limits for Ammonia Nitrogen in violation of Part I, Section A of the Permit and therefore violated Ark. Code Ann. § 8-4-217(a)(3).

f. The Respondent reported one (1) violation of the permitted effluent limits for Dissolved Oxygen in violation of Part I, Section A of the Permit and therefore violated Ark. Code Ann. § 8-4-217(a)(3).

g. The Respondent reported eight (8) violations of the permitted effluent limits for TSS in violation of Part I, Section A of the Permit and therefore violated Ark. Code Ann. § 8-4-217(a)(3).

5. On May 28, 2013, ADEQ sent a warning letter to the Respondent which detailed the effluent violations reported by the Respondent from August 1, 2011 thru March 31, 2013. The Respondent submitted a response letter to ADEQ on June 4, 2013.

#### AMENDED ORDER AND AGREEMENT

1. Except as specifically set out herein, all other provisions of CAO LIS 09-146 shall remain in full force and effect.

2. The Respondent shall achieve compliance with the permitted effluent limits for TSS and Nitrates on or before January 10, 2016. The Respondent shall submit a report certifying that compliance with permitted effluent limits has been achieved. The report shall be submitted on or before January 10, 2016.

3. On or before the effective date of this Amended CAO, the Respondent shall achieve compliance with all other permitted effluent limits.

4. On or before May 1, 2017, the Respondent shall submit Sanitary Sewer Evaluation Survey reports for each sub-basin.

5. On or before March 31, 2022, the Respondent shall complete collection system remedial action and re-evaluate the collection system.



6. The Respondent shall immediately operate and maintain the existing treatment system so as to maximize the treatment capability of the system to comply with the effluent limitations found in Part I, Section A of NPDES Permit No. AR0021768.

7. In compromise and full settlement for the violations specified in the Amended Findings of Fact, the Respondent agrees to pay to ADEQ the sum of Twenty Thousand Dollars (\$20,000.00) as a reduced civil penalty. Payment of the penalty shall be made within thirty (30) days of the effective date of this Amended CAO, made payable to the Arkansas Department of Environmental Quality, and mailed to the attention of:

The Fiscal Division  
Arkansas Department of Environmental Quality  
5301 Northshore Drive  
North Little Rock, Arkansas 72118

The reduced civil penalty is contingent upon Respondent complying with the requirements of Paragraphs 2 and 3 in the Amended Order and Agreement Section of this Amended CAO. In the event Respondent fails to fully comply with the requirements of Paragraphs 2 and 3 of the Amended Order and Agreement Section of this Amended CAO, or fails to pay the reduced sum of Twenty Thousand Dollars (\$20,000.00), the civil penalty amount will revert back to the original amount of Thirty Thousand Dollars (\$30,000.00), the balance of which will be due and payable immediately to ADEQ. In the event that the Respondent fails to pay the civil penalty within the prescribed time, ADEQ shall be entitled to attorney's fees and costs of collection.

8. This Amended CAO is subject to public review and comment in accordance with Ark. Code Ann. § 8-4-103(d) and Arkansas Pollution Control and Ecology Commission (hereinafter "APC&EC" or "Commission") Regulation No. 8 and shall not be effective until thirty (30) calendar days after public notice is given. ADEQ retains the right to rescind this Amended CAO based upon the comments received within the thirty-day public comment period. Notwithstanding the public notice requirements, the corrective actions necessary to achieve compliance shall be taken immediately. The publication of this Amended CAO shall occur on or about the 10th or 25th day of the month following the date this Amended CAO is executed. As provided by APC&EC Regulation No. 8, this matter is subject to being reopened upon Commission initiative or in the event a petition to set aside this Amended CAO is granted by the Commission.

9. Nothing in this Amended CAO shall be construed as a waiver by ADEQ of its enforcement authority over alleged violations not specifically addressed herein. Also, this Amended CAO does not exonerate the Respondent from any past, present, or future conduct which is not expressly addressed herein, nor does it relieve the Respondent of its responsibilities for obtaining any necessary permits.

10. By virtue of the signature appearing below, the individual represents that he or she is an Officer of Respondent, being duly authorized to execute and bind Respondent to the terms contained herein as attested by the secretary of said entity. Execution of this Amended CAO by an individual other than an Officer of Respondent shall be accompanied by a resolution granting signature authority to said individual as duly ratified by the governing body of the entity.

SO ORDERED THIS 2<sup>nd</sup> DAY OF June, 2014.

*Teresa Marks*  
TERESA MARKS, DIRECTOR

APPROVED AS TO FORM AND CONTENT:

CITY CORPORATION  
RUSSELLVILLE WATER AND SEWER SYSTEM

BY: *[Signature]*  
(Signature)

STEVE MALLET, JR.  
(Typed or printed name)

TITLE: GENERAL MANAGER

DATE: 5-21-14

