



ARKANSAS

ENERGY & ENVIRONMENT

May 11, 2023

EMAIL: mayorfranklin@helena-westhelena.us

Honorable Christopher Franklin, Mayor
City of Helena
P.O. Box 248
Helena, AR 72342

**RE: NPDES Permit Numbers AR0043389 & AR00 22021, AFINs 54-00083 & 54-00086
PROPOSED CONSENT ADMINISTRATIVE ORDER**

Dear Mayor Franklin:

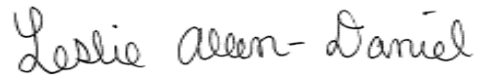
Attached is a proposed Consent Administrative Order (CAO) for violations of the Arkansas Water and Air Pollution Control Act, Ark. Code Ann. § 8-4-201 *et seq.*, at a site located about 300 feet from the intersection of State Highway 44 and Phillips Road 301 in Helena, Arkansas and a site located southwest of West Helena off Old Little Rock Road, in West Helena, 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 \$21,600.00 is proposed by DEQ to settle the violations outlined in this CAO. However, DEQ is willing to suspend and ultimately dismiss \$11,600.00 of the civil penalty if the City of Helena fully complies with the CAO. If you choose to accept the terms of the CAO, please sign, date, and **return the originally 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 Mayor and Clerk/Treasurer to sign the CAO on behalf of the City of Helena 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, Enforcement Coordinator
Office of Water Quality, Enforcement Branch
5301 Northshore Drive, North Little Rock, AR 72118

Cc: Calvin Murdock whcm2@aol.com
cityclerk@helena-westhelena.us