



DIVISION OF ENVIRONMENTAL QUALITY

Sarah Huckabee Sanders
GOVERNOR

Shane E. Khoury
SECRETARY

January 19, 2024

Honorable Robert Tharp, Mayor
City of Decatur
P.O. Box 247
Decatur, AR 72722

EMAIL: btharp@decaturar.us

**RE: NPDES Permit Number AR0022292, AFIN 04-00052
PROPOSED CONSENT ADMINISTRATIVE ORDER**

Dear Mayor Tharp:

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 985 Austin Avenue, Decatur, 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 **\$9400.00** is proposed by DEQ to settle the violations outlined in this CAO. However, DEQ will suspend and ultimately dismiss \$4900.00 if the City of Decatur 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 Amendment on behalf of the City of Decatur 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 <https://www.adeq.state.ar.us/legal/sep.aspx> for additional information.

Failure to contact the 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) 682-0736, or you may e-mail me at thomas.harrington@adeq.state.ar.us.

Sincerely,

A handwritten signature in blue ink that reads "Thomas Harrington". The signature is written in a cursive style with a blue ink color.

Thomas Harrington
Compliance Analyst, OWQ, DEQ

Cc: Robert Wick Warden wick.warden@amce.com
James Boston james.boston@decaturarkansas.us