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April 28, 2016

Arkansas Department of Environmental Quality
Attn: Mr. Kyle Barber, Enforcement Analyst
Water Division, Enforcement Branch
5301 Northshore Drive
North Little Rock, AR 72118-5317

RE: NPDES Permit Number AR0022292, AFIN 04-00052
Proposed Consent Administrative Order

Mr. Barber:

First we would like to thank you for taking the time to visit with us regarding the draft CAO. As we mentioned, we have been working to identify deficiencies within our collection and treatment system. A thorough review of the City's DMR history indicates our violations began as we approached and exceeded the design capacity of our treatment plant. Unexpected events moved us beyond our capacity long before the City anticipated.

The City began receiving influent from Centerton, which was expected to reduce our timeframe for expansion. There is an additional fee in the contract for Centerton to pay over the first period of the contract so we would be prepared to fund the earlier expansion. However, a significant unexpected increase in flow and strength from existing customers within Decatur just preceded Centerton directing their flow to Decatur. These events caused the flow to exceed capacity during the week in both concentration and flow, even with significant flow entering the equalization pond. The weekends are used to empty the equalization pond to the extent possible to prepare for the next week.

Prior to the March 11 proposed CAO, the City had begun with the following steps:

<u>Date</u>	<u>Description</u>
12/2015	Crossland Heavy Contractors (CHC) and McClelland Consulting Engineers (MCE) hired by The City of Decatur to address plant capacity. The City, MCE, and CHC visited with ANRC regarding the permit process.
2/2016	CHC and MCE completed a budget to expand current process as well as competitive processes. It is determined the City can improve effluent for a similar budget as maintaining effluent quality. The existing plant biology begins to adjust and effluent quality begins to improve except ammonia.

- 3/2016 The City attempts to improve the hydraulic capacity issue and environmental issues created by sewer overflows by renovating 17 manholes. The City received proposed CAO on 3/15 with deadline to respond 4/4/16. The City requested an extension to respond to the CAO. ADEQ moved deadline to respond to 5/14/16. The City decided to move towards membrane filtration to increase plant capacity and asked for proposals from four manufacturers.

- 4/2016 The permit limit for ammonia drops for the season 4/1. The plant is not capable of meeting that currently. As a temporary measure, the City entered discussion with Blue in Green to rent equipment to provide additional air to attempt to meet ammonia limits. The City also met with funding agency to coordinate funding with design. CHC and MCE determine CAO schedule is not attainable under any feasible design or construction schedule. The City met with ADEQ to discuss design, review, and construction schedule.

We have committed to solving the identified deficiencies as shown by the action items listed above. We have recognized a substantial financial need which is being addressed by a concurrent rate study and coordination with a bonding company that is ongoing.

We have reviewed the proposed CAO with our engineering consultant and would like to respectfully request consideration of the following comments. The numbering associated with the following items corresponds with the numbering of the CAO.

General

The effective date of the CAO is referenced in several locations within the CAO and is used as a benchmark. Until the CAO is finalized, the effective date is not definitive and therefore numerous other dates cannot be determined. That stated, for the purposes of our time lines, we are estimating the effective date of the CAO as July 1, 2016.

Order and Agreement

- (2) We request an extension to 12/1/2018 for the final compliance based on the following schedule to add capacity to the treatment facility.

<u>Date</u>	<u>Description</u>
2/1/2017	Engineering to be completed on the new treatment plant.
6/15/2017	ADEQ/ADH to complete review.
7/15/2017	Public Notice for 1 month.

8/1/2017 Public comment period of 15 days complete
10/1/2018 Construction substantially complete.
12/1/2018 Plant converted to new system and fully operational.

- (3) The City requests consideration be given to include the inflow and infiltration reduction efforts as a Separate Environmental Project (SEP). The City has spent \$16,300 in manhole rehabilitation of 17 manholes. We have ordered \$22,886.25 in equipment to replace an aged lift station and expect approximately another \$20,000 in engineering and installation costs. These efforts will total approximately \$59,186.00. This will help to reduce sanitary sewer overflows in the watershed and improve the water quality in the streams after storm events. The City is also committed to taking interim steps to attempt to meet the current permit until additional permanent capacity can be constructed. The rental alone for that equipment will be \$10,000 per month. The operational costs of power and liquid oxygen will be additional. Due to the very large nature of the commitment from the City, we would request a waiver to the 35% limit on the civil penalty so that as much of the City's money as possible can be moved towards correcting the actual environmental problem. The City has shown we did not need a penalty to prompt us to corrective action in timeline above.

The City of Decatur remains committed to returning the very best water into the environment. As previously illustrated, we must perform our due diligence. We request the opportunity and the listed time to perform engineering work, equipment selection, and quality construction so the treatment plant will serve Decatur, Centerton, and the watershed in the most environmentally friendly manner possible for years to come. We respectfully request the items noted in the letter be incorporated into the CAO.

Thank you again for your time and effort on this matter. Your favorable consideration will allow us to accomplish our plans that have been developed over the past several months.

Sincerely,



Robert W. Tharp
Mayor, City of Decatur

cc: McClelland Consulting Engineers, Inc.