

ADEQ

ARKANSAS
Department of Environmental Quality

March 11, 2016

CERTIFIED MAIL: 91 7199 9991 7035 3531 7802

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

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

Dear Mayor Tharp:

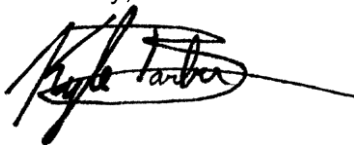
Attached is a proposed Consent Administrative Order (CAO) for violations of the Arkansas Water and Air Pollution Control Act, Ark. Code Ann. § 8-4-201 *et seq.*, at a site located at 985 Austin Avenue in Decatur, Arkansas. The Arkansas Department of Environmental Quality (ADEQ) has determined that this 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 \$7000.00 is proposed by ADEQ to settle the violations outlined in this CAO. If you choose to accept the terms of the CAO, please sign, date, and **return the original, embossed copy** to the address below within **twenty (20) calendar days** of receipt of this letter. Subsequently, the Director of ADEQ 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 ADEQ 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 ADEQ's SEP Policy and Proposal Guidelines at <http://www.state.ar.us/legal/sep.htm> for additional information.

Failure to contact the ADEQ 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) 682-0823, or you may e-mail barber@adeq.state.ar.us.

Sincerely,



Kyle Barber, Enforcement Analyst
Office of Water Quality, Enforcement Branch