

ADEQ

A R K A N S A S
Department of Environmental Quality

October 27, 2016

CERTIFIED MAIL: 91 7199 9991 7037 2597 7854

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:

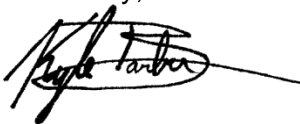
Attached is a proposed settlement Consent Administrative Order (CAO) for violations of the Arkansas Water and Air Pollution Control Act, Ark. Code Ann. § 8-4-201 *et seq.*, at a site located at 985 Austin Avenue in Decatur, Arkansas. The Arkansas Department of Environmental Quality (ADEQ) reviewed your April 28, 2016, response to a previously proposed CAO, and has drafted this proposed settlement CAO taking your response into account.

ADEQ has accepted your request to extend the final compliance date in the CAO to December 31, 2018. ADEQ also reviewed your request for a Supplemental Environmental Project (SEP) for inflow and infiltration reduction efforts. While ADEQ has no objection to the project, the SEP request was rejected since the project directly benefits the City of Decatur. Per Arkansas Code Annotated § 8-4-103 (f)(3)(B), a violator may retain no monetary benefit from a SEP. However, in lieu of approving the SEP, ADEQ has granted a twenty-five percent (25%) reduction in the originally proposed civil penalty.

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 \$5,250.00 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.

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