



ARKANSAS
Department of Environmental Quality

December 4, 2018

CERTIFIED MAIL: 9489 0090 0027 6060 6343 11

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:

On November 23, 2016, the Arkansas Department of Environmental Quality (ADEQ) and the City of Decatur entered into Consent Administrative Order (CAO) LIS 16-094. Pursuant to Order and Agreement Paragraph 4 of page 4 of CAO LIS 16-094, the City of Decatur agreed to achieve compliance with all permitted effluent limitations no later than December 31, 2018. On November 9, 2018, the City of Decatur requested extension of final compliance date. After careful consideration, ADEQ is willing to accept this request.

Enclosed is a copy of the revised CAO in this matter. 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. [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 Decatur must also be submitted.] 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.

Should you wish to discuss this matter further, or schedule a meeting, you may contact me at (501) 682-0667, or you may e-mail gavin.gray@adeq.state.ar.us.

Sincerely,

Gavin Gray
Enforcement Analyst
Office of Water Quality

Cc: James Boston, Decatur Public Works Manager, Email: jboston.cod@gmail.com
Nick Baker, McClelland Consulting Engineers, Email: nbatker@mce.us.com

ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

City of Decatur
P.O. Box 247
Decatur, AR 72722

LIS No. 16-094-001
Permit No. AR0022292
AFIN 04-00052

AMENDMENT NO. 001 TO CONSENT ADMINISTRATIVE ORDER

By mutual agreement of the City of Decatur (“Respondent”) and the Arkansas Department of Environmental Quality (ADEQ or “Department”), the Consent Administrative Order (CAO) LIS 16-094-01 is hereby amended as follows:

1. Respondent and ADEQ have agreed to amend the Findings of Fact Section of CAO LIS 16-094, with the addition of the following paragraph:

16. On November 9, 2018, the Respondent submitted a request to the Department to amend CAO LIS 16-094. The request included a revised milestone schedule to complete construction of the new wastewater treatment plant, additional time to properly train the operators and a new final date of compliance of May 1, 2019.

2. Respondent and ADEQ have further agreed to amend the Order and Agreement Section of CAO LIS 16-094, by deleting Paragraph 4 from page 4 and replacing that paragraph with the following:

4. On or before May 1, 2019, Respondent shall submit a certification of compliance from a Professional Engineer (P.E.) licensed in the state of Arkansas, stating that the corrective actions listed in the CAP submitted on April 10, 2017,

have been completed and that Respondent is in compliance with the effluent limitations of the Permit.

3. All provisions of CAO LIS 16-094 not explicitly modified by this Amended CAO LIS 16-094-001 shall remain in full force and effect and are hereby incorporated by reference.

4. This Amended CAO LIS 16-094 is subject to public review and comment in accordance with Ark. Code Ann. § 8-4-103(d) and APC&EC Regulation No. 8. This Amendment is effective upon the Director's Signature. ADEQ retains the right for thirty (30) days following the close of the public Comment period to rescind this Amendment based upon the comments received within the thirty-day public comment period notwithstanding the public notice requirements.

5. Nothing in this Amended CAO LIS 16-094-001 shall be construed as a waiver by ADEQ of its enforcement authority over alleged violations not specifically addressed in CAO LIS 16-094, as amended by CAO LIS 16-094-001. Also, this Amended CAO does not exonerate Respondent from any past, present, or future conduct which is not expressly addressed in CAO LIS 16-094, as amended by CAO LIS 16-094-01, nor does it relieve Respondent of its responsibilities for obtaining any necessary permits.

6. Other than as set forth herein, this Amended CAO may not be altered, amended, or terminated except by written agreement signed by the Department and by Respondent, or by action of the Department exercising the right of rescission pursuant to Paragraph 6 above.

7. This Amended CAO has been reviewed and approved by the City Council of Respondent in a duly convened meeting with a quorum present. See copy of meeting minutes or resolution attached as Exhibit A.

8. The City Council of Respondent has authorized the Mayor and City Clerk/Treasurer to sign this Amended CAO on behalf of Respondent. See Exhibit A.

SO ORDERED THIS _____ DAY OF _____, 2018.

BECKY W. KEOGH, DIRECTOR

APPROVED AS TO FORM AND CONTENT:

City of Decatur

BY: *Robert W. Sharp*
(Signature)

Robert W. Sharp
(Typed or printed name)

TITLE: Mayor

DATE: 12-18-18

RESOLUTION 18-13

A RESOLUTION BY THE CITY OF DECATUR, ARKANSAS ADOPTING AMENDMENT NO .001 TO ADEQ CONSENT ORDER LIS NO. 16-094-001

WHEREAS, the City of Decatur, Arkansas has entered into a Consent Administrative Order with the Arkansas Department of Environmental Quality (ADEQ) regarding discharge of the City's sewer treatment plant (A copy of said Order is attached hereto as Exhibit "A" and incorporated herein by reference);

And Whereas, an Amendment to said Order has been agreed to by the City and ADEQ,

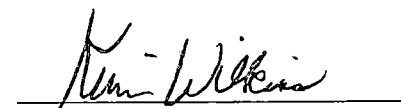
NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF Decatur, ARKANSAS:

AMENDMENT NO .001 TO ADEQ CONSENT ORDER LIS NO. 16-094-001 is hereby approved by the city council of Decatur, Arkansas, and the Mayor and City Clerk are hereby authorized to sign the Consent Order and any and all necessary documents that pertain to said consent Order as needed.

Date Adopted 12/10/18



Mayor



City Clerk



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Date Accepted (MM/DD/YY)	Scheduled Delivery Time	Insurance Fee	COD Fee
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TO: (PLEASE PRINT) PHONE ()
ADEQ
Attn: Goun Gray
5311 Northshore Lane
North Lake Park, HR
ZIP + 4* (U.S. ADDRESSES ONLY)
72118-5317

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