



CITY OF HOT SPRINGS

Utilities Department
780 Adams Street
Hot Springs, Arkansas 71901

November 7, 2017

Mr. Richard Healey
ADEQ Branch Manager
5301 Northshore Drive
North Little Rock, Arkansas 72118 - 5317

**RE: NPDES Permit Number AR0033880, AFIN 26-00145
PROPOSED CONSENT ADMINISTRATIVE ORDER**

Dear Mr. Healey

I want to contest a portion of the ADEQ Consent Administrative Order, issued on October 10, 2017. I understand that the CAO will provide operational protection for the City of Hot Springs should approval of the permit renewal be delayed beyond the January 31, 2018 expiration date.

As I wrote previously, the City of Hot Springs delivered what we believed to be a complete permit renewal application on August 3, 2017. On August 10, we received correspondence requesting modification of the application to correct signatory issues and supply missing laboratory test results.

I acknowledge our improper signatory and initialings of the Responsible Official. However, as I read through our existing permit, I cannot find the requirement for the four laboratory tests listed in the Hot Springs permit. Even though the four tests are not required by our permit, we did contract a private lab to run the tests and submitted the results as requested. It seems to me, the sole basis for issuing the CAO is due to our signatory errors. The \$1000 penalty is a severe punishment for such a minor infraction.

I am requesting that ADEQ modify and reissue the CAO to reflect the following:

- Reduce the penalty by 50 percent.
- Remove the following laboratory test items, listed as missing from the permit renewal application.
 - Total Kjeldahl Nitrogen
 - Nitrate plus Nitrite Nitrogen
 - Oil and Grease
 - Total Dissolved Solids
- Modify items 9, 10, and 11 to reflect that the Utilities Director is the Responsible Authority, and as such, may sign the CAO on behalf of the City of Hot Springs.
- Issue a new CAO reflecting the modifications.
- Address any correspondence to 780 Adams Street, Hot Springs, Arkansas 71901

Thank you for your consideration and assistance in this matter.

Respectfully,



Monty Ledbetter
Utilities Director

Phone: (501)651-7731

Email: mledbetter@cityhs.net

Cc: Leslie Allen-Daniel, ADEQ Enforcement Analyst, Office of Water Quality
James Sorrells, Wastewater Facilities Operations Manager