



ARKANSAS

ENERGY & ENVIRONMENT

September 29, 2020

CERTIFIED MAIL#: 9489 0090 0027 6060 6515 30

Honorable David Earney
Mayor, City of Stuttgart
304 S Maple St
Stuttgart, AR 72160

RE: Consent Administrative Order (CAO) LIS 18-092; Permit ID AR0034380; AFIN 01-00214
City of Stuttgart, Failure to Comply

Dear Mayor Earney:

On January 10, 2019, the city of Stuttgart executed a Consent Administrative Order (CAO) with the Division of Environmental Quality (DEQ). The DEQ Director signed the CAO on November 21, 2018, and the CAO was published in a newspaper for public notice on December 10, 2018. By signing the CAO, the City of Stuttgart agreed to pay DEQ a civil penalty in the amount of Five Thousand Dollars (\$5000.00), which was received on January 14, 2019.

In addition to the payment of a civil penalty, the City of Stuttgart also agreed to the following:

- (1) Comply with the approved Corrective Action Plan (CAP) dated March 28, 2017, and its milestone schedule and final compliance date of February 1, 2019;
- (2) Immediately implement and follow the Flow Regulating Pond Operating Plan;
- (3) Submit a Sludge Management, Removal, and Disposal Plan within thirty (30) days of the effective date of CAO LIS 18-092;
- (4) Submit monthly progress reports by the 15th of each month;
- (5) Submit a report by December 31, 2019, certifying the violations identified in paragraphs 10, 13, 16, and 22 of the Findings of Fact section of CAO LIS 18-092 have been corrected, and that compliance with permitted effluent limits were achieved on or before December 31, 2019;
- (6) Submit a Sanitary Sewer Overflow Response Plan within thirty (30) days of the effective date of CAO LIS 18-092;

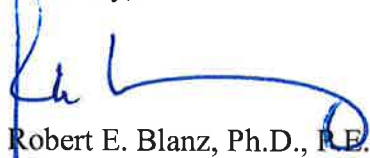
To date, DEQ has not received the Sanitary Sewer Overflow Response Plan, or evidence of compliance with the CAP nor a final compliance report. A single progress report was submitted on August 26, 2019, which means there have been nineteen (19) unsubmitted progress reports. The DEQ inspection of December 12, 2019, also indicated that sludge build-up was not resolved and not compliant with the Permit.

The negotiated CAO also established a schedule for stipulated penalties in the event that the City of Stuttgart failed to meet any requirement of the CAO. As of the date of this letter, the Sanitary Sewer Overflow Response Plan is 598 days past due, the final compliance report is 273 days past due, nineteen (19) monthly progress reports have not been submitted, and the facility has not demonstrated compliance with sludge handling requirements as evidenced by the DEQ inspection of December 12, 2019. As a result of this failure to comply, DEQ may assess the stipulated penalties in the amount of five thousand dollars (\$5,000.00).

At this point, the City of Stuttgart has failed to comply with the CAO. If DEQ does not receive the required documents within twenty (20) calendar days of receipt of this letter, DEQ will file an action in the Arkansas County Circuit Court to enforce the CAO and collect stipulated penalties and fees due to the City of Stuttgart's failure to comply timely with the CAO.

Should you have any questions, please contact Stacie Wassell, Attorney, at (501) 682-0886, or by email at wassell@adeq.state.ar.us.

Sincerely,



Robert E. Blanz, Ph.D., P.E.
Associate Director, Office of Water Quality
Arkansas Division of Environmental Quality

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