



# ARKANSAS

## ENERGY & ENVIRONMENT

December 15, 2020

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

RE: Consent Administrative Order (CAO) LIS 18-092; Permit ID AR0034380; AFIN 01-00214

City of Stuttgart, Inadequate Response to Failure to Comply Letter

Dear Mayor Earney:

The response received by DEQ on December 2, 2020, did not adequately address the issues of non-compliance. Specifically, the following issues were not sufficiently addressed:

1. A Sanitary Sewer Overflow Response Plan has not been received (CAO LIS 18-092, Order and Agreement Paragraph 7);
2. Sludge removal has not been completed (CAO LIS 18-092, Order and Agreement Paragraph 4); and
3. Final compliance has not been achieved and certified (CAO LIS 18-092, Order and Agreement, Paragraphs 1 and 2).

Separately, the following violations have occurred since the effective date of CAO LIS 18-092:

1. On September 20, 2019, the DEQ Office of Water Quality Permitting Branch notified the permittee that the facility did not qualify for the no exposure exclusion for coverage under the Industrial Stormwater General Permit ARR000000. DEQ has not received a revised Notice of Intent and Stormwater Pollution Prevention Plan from the permittee. As a result, the facility has been operating without the required stormwater permit coverage since the expiration date of June 30, 2019.
2. On August 22, 2019, DEQ notified the permittee that a complete renewal application for NPDES Permit Number AR0034380 was not received by DEQ at least 180 days prior to expiration as required by the permit. As a result, NPDES Permit Number AR0034380 expired, and the facility has been operating without a permit since the permit's expiration date of January 31, 2020.



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3. An adequate response addressing the deficiencies identified during the DEQ inspection of December 12, 2019, has not been received;
4. Effluent violations have continued to occur (Permit AR0034380, Part I, Section A). Specifically a review of discharge monitoring reports submitted during the period January 1, 2020, through October 31, 2020, revealed the following:
  - a. Three (3) violations of Total Suspended Solids;
  - b. Three (3) violations of Ammonia Nitrogen;
  - c. One (1) violation of Carbonaceous Biochemical Oxygen Demand;
  - d. Two (2) violations of Total Residual Chlorine; and
  - e. Five (5) violations of Fecal Coliform Bacteria.

As a result of the continued non-compliance and failure to respond adequately to DEQ's requests, additional enforcement actions will be forthcoming.

Sincerely,

A handwritten signature in black ink that reads "Myrl V. Lawrence Jr.".

**Myrl V Lawrence Jr** | Enforcement Analyst  
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**Enforcement Branch**  
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