

ARKANSAS DEPARTMENT OF ENERGY AND ENVIRONMENT  
DIVISION OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

City of Walnut Ridge  
216 Southwest Fourth Street  
Walnut Ridge, AR 72476

LIS No. 17-040-003  
Permit No. AR0046566  
AFIN 38-00040

AMENDMENT NO. 003 TO CONSENT ADMINISTRATIVE ORDER

By mutual agreement of City of Walnut Ridge (Respondent) and the Division of Environmental Quality (DEQ), the Consent Administrative Order (CAO) LIS 17-040, as amended by CAO LIS 17-040-001, as amended by CAO LIS 17-040-002, is hereby amended as follows:

1. Respondent and DEQ have agreed to amend the Findings of Fact Section of CAO LIS 17-040, as amended by CAO LIS 17-040-001, as amended by CAO LIS 17-040-002, with the addition of the following paragraphs:

32. On January 11, 2021, CAO LIS 17-040-002 became effective.

33. On November 17, 2021, March 9, 2022, and July 25, 2022, Respondent submitted quarterly progress reports, as required by CAO LIS 17-040, as amended by CAO LIS 17-040-001, as amended by CAO LIS 17-040-002.

34. In the July 25, 2022 quarterly progress report, Respondent requested to amend CAO LIS 17-040, as amended by CAO LIS

17-040-001, as amended by CAO LIS 17-040-002. The request included a revised milestone schedule to complete construction of the new wastewater treatment plant and a new final date of compliance of October 31, 2022.

2. Respondent and DEQ have further agreed to amend the Order and Agreement Section of CAO LIS 17-040, as amended by CAO LIS 17-040-001, as amended by CAO LIS 14-040-002, by deleting Paragraph 1 and replacing the paragraph with the following:

1.a. On or before October 31, 2023, 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 October 14, 2020, have been completed and that Respondent is in compliance with the effluent limitations of the Permit.

1.b. Within thirty (30) calendar days of completion of construction, Respondent shall submit a Notice of Completion of Construction to DEQ certifying that the facility has been modified in accordance with the approved plans and specifications. The certification shall be signed by the Responsible Official as well as stamped and signed by a P.E. licensed in the state of Arkansas

3. All provisions of CAO LIS 17-040, as amended by CAO LIS 17-040-001, as amended by CAO LIS 17-040-002, not explicitly modified by this Amended CAO LIS 17-040-003 shall remain in full force and effect and are hereby incorporated by reference.

4. This Amended CAO LIS 17-040-003 is subject to public review and comment in accordance with Ark. Code Ann. § 8-4-103(d) and APC&EC Rule 8. This Amendment is effective upon DEQ's Chief Administrator's Signature. DEQ 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 (30) day public comment period notwithstanding the public notice requirements.

5. Nothing in this Amended CAO LIS 17-040-003 shall be construed as a waiver by DEQ of its enforcement authority over alleged violations not specifically addressed in CAO LIS 17-040, as amended by CAO LIS 17-040-001, as amended by CAO LIS 17-040-002, as amended by CAO LIS 17-040-003. Also, this Amended CAO does not exonerate Respondent from any past, present, or future conduct that is not expressly addressed in CAO LIS 17-040, as amended by CAO LIS 17-040-001, as amended by CAO LIS 17-040-002, as amended by CAO LIS 17-040-003, 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 DEQ and by Respondent, or by action of DEQ exercising the right of rescission pursuant to Paragraph 4 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.

9. The City Council of Respondent has authorized the Mayor and City Clerk/Treasurer to expend funds for compliance activities required by this Amended CAO including but not limited to the payment of a civil penalty. See Exhibit A.

SO ORDERED THIS 20th DAY OF February, 2023.

\_\_\_\_\_  
Caleb J. Osborne, Division of Environmental Quality, Director  
Chief Administrator, Environment

APPROVED AS TO FORM AND CONTENT:

City of Walnut Ridge

BY: \_\_\_\_\_

(Signature)

Charles E. Snapp  
(Typed or printed name)

TITLE: Mayor

DATE: 2/20/2023

**RESOLUTION NO. 2023-06**

**A RESOLUTION AUTHORIZING THE CITY OF WALNUT RIDGE TO ENTER INTO  
A CONSENT ADMINISTRATIVE ORDER WITH THE ARKANSAS DEPARTMENT  
OF ENERGY & ENVIRONMENT, DIVISION OF ENVIRONMENTAL QUALITY  
(DEQ)**

**WHEREAS**, it is in the City's best interest to enter into an agreement with DEQ and resolve the violations of the Arkansas Water and Air Pollution Control Act listed in the proposed Consent Administrative Order.

**WHEREAS**, the Mayor and Water Board Chairman or other designated person, working with a Professional Engineer, have developed a plan of action to address the issues listed in the proposed Consent Administrative Order.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF  
WALNUT RIDGE:**

1. The proposed Consent Administrative Order has been reviewed and approved by the City Council in a duly convened meeting with a quorum present.
2. The City Council of the City of Walnut Ridge authorizes the Mayor to sign the proposed Consent Administrative Order.
3. The City Council of the City of Walnut Ridge authorizes the Mayor and treasurer to expend funds for compliance activities required by the proposed Consent Administrative Order including but not limited to the payment of a civil penalty as set forth in the proposed Consent Administrative Order.

Adopted on this 20<sup>th</sup> day of February, 2023

Approved: \_\_\_\_\_

Charles E. Snapp, Mayor

Attest: \_\_\_\_\_

Sharon Henson, City Clerk



City of Walnut Ridge  
PO Box 723  
Walnut Ridge, AR 72476

Arkansas Energy and Environment  
c/o Office of Water Quality  
attn: Joshua Hickey  
5301 Northshore Drive  
North Little Rock, AR 72118-5317

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North Little Rock, AR

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