

ADEQ

ARKANSAS
Department of Environmental Quality

May 20, 2019

CERTIFIED MAIL: 9489 0090 0027 6060 6344 96

Gary Little, Chairman
City of Walnut Ridge
216 Southwest Fourth Street
Walnut Ridge, AR 72476

**RE: NPDES Permit Number: AR0046566, AFIN: 38-0040
PROPOSED CONSENT ADMINISTRATIVE ORDER ADMENDMENT**

Dear Mr. Little:

On July 10, 2017, the Arkansas Department of Environmental Quality (ADEQ) and the City of Walnut Ridge entered into Consent Administrative Order (CAO) LIS 17-040. Pursuant to Order and Agreement Paragraph 1 of CAO LIS 17-040, the Walnut Ridge agreed to achieve compliance with all permitted effluent limitations no later than July 1, 2020. On February 4, 2019, the City of Walnut Ridge requested extension of final compliance date. After careful consideration, ADEQ is willing to accept this request.

Enclosed is a copy of the CAO Amendment in this matter. If you choose to accept the terms of the CAO Amendment, 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 Amendment on behalf of the (Name of Permittee) must also be submitted. Subsequently, the Director of ADEQ will sign the CAO Amendment and the City of Walnut Ridge will be provided a copy, including information on the public notice process and the effective date of the CAO Amendment.

Should you wish to discuss this matter further, you may contact me at (501) 682-0639, or you may e-mail bailey.taylor@adeq.state.ar.us.

Sincerely,



Bailey Taylor
Enforcement Coordinator
Office of Water Quality

ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

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

LIS No. 17-040-001
Permit No. AR0046566
AFIN 38-00040

AMENDMENT NO. 001 TO CONSENT ADMINISTRATIVE ORDER

By mutual agreement of the City of Walnut Ridge (“Respondent”) and the Arkansas Department of Environmental Quality (ADEQ or “Department”), the Consent Administrative Order (CAO) LIS 17-040 is hereby amended as follows:

1. Respondent and ADEQ have agreed to amend the Findings of Fact Section of CAO LIS 17-040 with the addition of the following paragraph:

23. On February 4, 2019, Respondent submitted a request to the Department to amend CAO LIS 17-040. The request included a revised milestone schedule to complete construction and a new final date of compliance of June 30, 2021.

24. On April 27, 2019, Respondent submitted a revised Sanitary Sewer Evaluation Study (SSES) milestone schedule that extended the final compliance date to July 10, 2026.

2. Respondent and ADEQ have further agreed to amend the Order and Agreement Section of CAO LIS 17-040 by deleting Paragraphs 1 and 3 and replacing those paragraphs with the following:

1. On or before June 30, 2021, 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 August 10, 2017, have been completed and that Respondent is in compliance with the effluent limitations of the Permit.

3. Respondent shall comply with the SSES plan, dated October 10, 2017, and revised milestone schedule dated April 27, 2019, including the final compliance date of July 10, 2026..

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

4. This Amended CAO LIS 17-040-001 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 17-040-001 shall be construed as a waiver by ADEQ of its enforcement authority over alleged violations not specifically addressed in CAO LIS 17-040, as amended by CAO LIS 17-040-001. 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, 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 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 _____ DAY OF _____, 2019.

BECKY W. KEOGH, DIRECTOR

APPROVED AS TO FORM AND CONTENT:

City of Walnut Ridge

BY: 
(Signature)

Charles E. Snapp
(Typed or printed name)

TITLE: Mayor

DATE: 6-11-19

Walnut Ridge City Water
216 SW 4th St
Walnut Ridge, AR 72476

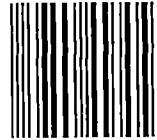
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