


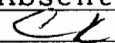
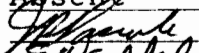
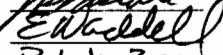
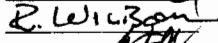
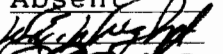
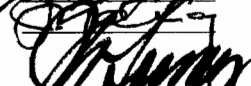
West Memphis Wastewater Treatment Facility submitted a proposal to the Department to construct an addition to its permitted POTW facility in order to correct a dangerous overflow and bypassing problem at the facility during times of heavy flows and rains. The addition would be used only at those times. The Department denied the proposal as it was determined to be a "bypass" as defined by 40 CFR 122 (C)(m)(1)(i) and by the permit language at Part IV, §A(5).

Judge Cloninger rendered a Recommendation of the Hearing Officer affirming the action of the Department in denying the proposal.

After a review of the administrative record, including transcript and upon hearing arguments of the Department and West Memphis, the Commission affirms the Recommendation of the Hearing Officer.

The Department is to work with the City of West Memphis and report to the Commission (May 22, 1992) options to incorporate the lagoon and the treatment process in order that the facility can accommodate the high flow so that a modification may be appropriately applied for.

COMMISSIONERS

-  J. W. Looney
- _____ H. Watkins, III
- Absent _____ J. Hill
-  C. King
- Absent _____ R. Mason
- Absent _____ B. Mobley
-  J. Pascale
-  E. Waddell
-  R. Wilbourn
- _____ N. Williams
- Absent _____ S. Wilson
-  W. Wright
-  R. Young

DATE PASSED: April 24, 1992
SUBMITTED BY: M. Eisele
Chairman