

ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

**MARBLE FALLS S.I.D. NO. 1
NEWTON COUNTY, ARKANSAS**

**LIS NO. 03-049
AFIN 51-0011**

CONSENT ADMINISTRATIVE ORDER

This Consent Administrative Order (hereinafter "Order") is issued pursuant to the authority of the Arkansas Water and Air Pollution Control Act (Act 472 of 1949, as amended; Ark. Code Ann. §8-4-101 et seq.) and the regulations issued thereunder (hereinafter collectively referred to as "the Act").

Pursuant to the authority of Ark. Code Ann. §8-4-207(1)(B), the Director of the Arkansas Department of Environmental Quality (hereinafter "ADEQ") is authorized to set schedules of compliance for facilities permitted under the Act necessary to assure compliance with both applicable state and federal effluent limitations, including those mandated by Section 301(b)(1)(C) and 301(i)(1) of the Federal Clean Water Act and those necessary to achieve and maintain compliance with Arkansas Water Quality Standards (Arkansas Pollution Control and Ecology Commission Regulation Number 2).

The issues herein having been settled by the agreement of Marble Falls S.I.D. No. 1 (hereinafter the "Permittee") and ADEQ, it is hereby agreed and stipulated that the following **FINDINGS OF FACT** and **ORDER AND AGREEMENT** be entered herein.

FINDINGS OF FACT

1. Marble Falls Sewer Improvement District (S.I.D.) No. 1 is located in Newton County. The Permittee operates a wastewater treatment facility pursuant to National Pollutant Discharge Elimination System (NPDES) permit number AR0034088 (hereinafter "the permit").
2. The Permittee has not reported a discharge from their wastewater treatment facility since May 31, 1994.
3. On March 14, 2001, an inspection of the Marble Falls facility by a Water Division Inspector showed the facility to be out of compliance. The maintenance and repair records were not maintained as required; the chlorinator was not operational; there was no standby power for the treatment plant or two lift stations during power outages; there was no alarm system for the treatment plant to alert personnel of equipment failures or outages. These violations were also found during a January 20, 1998 inspection and a June 1, 1995 inspection.

ORDER AND AGREEMENT

Therefore, the parties do hereby stipulate and agree that:

1. On the effective date of this Order, Consent Administrative Order LIS No. 92-007 shall be closed.
2. On the effective date of this Order, NOV 01-217 shall be closed.
3. Within thirty (30) days of the effective date of this Order, the Permittee shall begin quarterly monitoring at the Plant effluent discharge point prior to entering the pond. The Permittee will provide sample results for all parameters required by the Permit, on a Discharge Monitoring Report form, by the 25th of each month following the Monitoring

Period. Monitoring Quarters shall be January through March, April through June, July through September, and October through December. The quarterly discharge monitoring reports shall begin with the April through June quarter and will be due by July 25, 2003. This quarterly monitoring is in addition to the permit requirements for sampling at the permitted outfall, and shall continue until the permit is terminated or the pond discharge is sufficient to obtain required samples at the permitted outfall point.

4. Within sixty (60) days of the effective date of this Order, the Permittee shall provide a report by a professional engineer licensed in the State of Arkansas demonstrating that the pond meets Ten States Standards; or, a corrective action plan with milestone schedule to bring the pond into compliance with those Standards.

5. Within sixty (60) days of the effective date of this Order, the Permittee shall provide a report demonstrating that the treatment plant is in compliance with Permit requirements; or, a corrective action plan with milestone schedule to bring the treatment plant into compliance with Permit requirements.

6. All submittals required by this Order are subject to approval by ADEQ. In the event of any deficiency, the Permittee shall within fifteen (15) days of notification by ADEQ submit any additional information requested. Delays in performance shall be subject to any remedies or sanctions which may be available to ADEQ by reason of the Permittee's failure to comply with the requirements of this Order.

7. If any event, including but not limited to an act of nature, occurs which causes or may cause a delay in the achievement of compliance by the Permittee with the requirements or deadlines of this Order, the Permittee shall so notify ADEQ, in writing, as soon as reasonably possible after it is apparent that a delay will result, but in no case after

the due dates specified in the Permittee's milestone schedule. The notification shall describe in detail the anticipated length of the delay, the precise cause of the delay, the measures being taken and to be taken to minimize the delay, and the timetable by which those measures will be implemented.


8. ADEQ may grant an extension of any provision of this Order, provided that the Permittee requests such an extension in writing and provided that the delay or anticipated delay has or will be caused by circumstances beyond the control of and without the fault of the Permittee. The time for performance may be extended for a reasonable period but in no event longer than the period of delay resulting from such circumstances. The burden of proving that any delay is caused by circumstances beyond the control of and without the fault of the Permittee and the length of the delay attributable to such circumstances shall rest with the Permittee. Failure to notify the ADEQ promptly, as provided in Paragraph 7 of this Section, shall be grounds for a denial of an extension.

9. This Order is subject to public review and comment in accordance with A.C.A. §8-4-103 (d) and Arkansas Pollution Control and Ecology Commission Regulation No. 8, and shall be effective upon the signature of the Director. ADEQ retains the right to rescind this Order based upon the comments received within the thirty-day public comment period. Notwithstanding the public notice requirements, the corrective actions necessary to achieve compliance with the terms of the permit shall be taken immediately.

10. As provided by Arkansas Pollution Control and Ecology Commission Regulation No. 8, this matter is subject to being reopened upon Commission initiative or in the event a petition to set aside this Order is granted by the Commission.

11. Nothing in this Order shall be construed as a waiver by ADEQ of its enforcement authority over alleged violations not specifically addressed herein. Also, this Order does not exonerate the Permittee from any past, present, or future conduct which is not expressly addressed herein, nor does it relieve the Permittee of its responsibilities for obtaining any necessary permits.

SO ORDERED THIS 2nd DAY OF May, 2003



MARCUS C. DEVINE, DIRECTOR

APPROVED AS TO FORM AND CONTENT:

MARBLE FALLS S.I.D. NO. 1

BY: Raymond Hefley
(signature)

TITLE: RAYMOND HEFLEY / COMM.
(Typed or printed name)

DATE: 4/23/03