



ARKANSAS
Department of Environmental Quality

April 21, 2009

Mr. Larry Garrett, Director
Huntsville Water Utilities
City of Huntsville
P.O. Box 430
Huntsville, AR 72740

RE: City of Huntsville

AFIN: 44-00018

NPDES Permit Tracking No.: AR0022004

Dear Mr. Garrett:

On March 24, 2009, I performed a routine compliance evaluation inspection and compliance sampling inspection of the waste water treatment facility in accordance with the provisions of the Federal Clean Water Act, the Arkansas Water and Air Pollution Control Act, and the regulations promulgated thereunder. This inspection revealed the following deficiencies:

1. Maintenance records and/or operators logs should be kept on each lift station.
2. Emergency contact information is not posted at the lift stations.

The above items require your immediate attention. Please submit a written response to these findings to the following address:

Ms. Cindy Garner, Technical Assistance Manager
Water Division Enforcement Branch
Arkansas Department of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118-5317

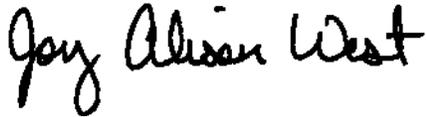
This response should contain detailed documentation describing the course of action taken to correct the items noted. This corrective action should be completed as soon as possible, and the written response is due by May 12, 2009.

For additional information you may contact the enforcement branch by telephone at 501-682-0639 or by fax at 501-682-0910.

Larry Garrett, City of Huntsville
April 21, 2009
Page 2

If I can be of any assistance, please contact me at 479-267-0811 ext. 12 (email:
west@adeq.state.ar.us).

Sincerely,

A handwritten signature in black ink that reads "Alison West". The signature is written in a cursive, flowing style.

Alison West
District 1 Field Inspector
Water Division

cc: Water Division Enforcement Branch
Water Division Permits Branch



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

NPDES Compliance Inspection Report

Form Approved
OMB No. 2040-0003

Section A: National Data System Coding

Transaction Code	NPDES	Yr/Mo/Day	Inspec. Type	Inspector	Fac. Type
1 N 2 5 3 A R 0 0 2 2 0 0 4 11 12 0 9 0 3 2 4 17 18 V 19 S 20 1	Remarks				
Inspection Work Days		Facility Evaluation Rating		BI QA -----Reserved-----	
67		69	70 N	71 N 72 N 73	74 75 80

Section B: Facility Data

Name and Location of Facility Inspected (<i>For industrial users discharging to POTW, also include POTW name and NPDES permit number</i>) City of Huntsville 30187 Madison Hwy 23 Huntsville, AR	Entry Time/Date 9: 15 a.m./3-24-09 9:30 a.m./4-21-09	Permit Effective Date 10-1-04
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s) Larry Garrett/Director/479-738-6929/479-738-1285 (4-21-09) Bill Eoff/Wastewater Plant Manager/479-738-2081/479-738-1285 (3-24-09)	Exit Time/Date 3:40 p.m./3-24-09 11:30 a.m./4-21-09	Permit Expiration Date 9-30-09
Name, Address of Responsible Official/Title/Phone and Fax Number Larry Garrett/Director/479-738-6929/479-738-1285 Huntsville Water Utilities City of Huntsville P.O. Box 430 Huntsville, AR 72740	Contacted Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Other Facility Data GPS @Outfall 001: N36-06-44.6 W093-43-58.2

Section C: Areas Evaluated During Inspection

(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

N	Permit	N	Flow Measurement	N	Operations & Maintenance	N	Sampling
N	Records/Reports	N	Self-Monitoring Program	N	Sludge Handling/Disposal	N	Pollution Prevention
N	Facility Site Review	N	Compliance Schedules	N	Pretreatment	N	Multimedia
N	Effluent/Receiving Waters	N	Laboratory	N	Storm Water	M	Other: SSO

Section D: Summary of Findings/Comments (Attach additional sheets if necessary)

The sanitary sewer overflow inspection was conducted in conjunction with a compliance evaluation inspection and compliance sampling inspection. Two pump stations were visited on April 21, 2009. Both appeared to be well maintained and clean. No evidence of high water level overflows was observed. Mr. Garrett was advised to post contact information at all lift stations. Maintenance records and/or operator logs have not been kept for the pump stations.

Name(s) and Signature(s) of Inspector(s) Alison West	Agency/Office/Telephone/Fax AR Dept. of Environmental Quality-Fayetteville 479-267-0811 ext. 12/479-267-0819	Date April 21, 2009
Signature of Reviewer	Agency/Office/Phone and Fax Numbers	Date

COLLECTION SYSTEM INSPECTION AND OVERALL RATINGS M U NA NE

PROVIDE A BRIEF DESCRIPTION OF THE COLLECTION SYSTEM:

The collection system was designed with a clay interceptor line which runs from south to north starting with a 6" in nominal size and increasing in size as the flow increases from laterals that run into it. The line increases to a 14" line prior to reaching the wastewater facility. There are five lift stations. The system has been upgraded to pvc over the years.

POPULATION SERVED/NUMBER OF RESIDENTIAL AND COMMERCIAL CONNECTIONS: **Population is 2500. There are 1120 residential connections and 31 commercial connections.**

FEET OF SEWER SYSTEM: **141, 131 feet**AGE OF SYSTEM: **The original collection system was installed in 1963 or 1964.**

DOES THE SYSTEM EXPERIENCE PROBLEMS DURING DRY OR WET WEATHER (EXPLAIN): **Facility has increased flow during heavy rain events from I & I. Facility conducts smoke testing and has purchased a sewer camera to find and fix leaks.**

Y N NA NE

IS THERE A SYSTEM IN PLACE FOR REPORTING SSOS TO ADEQ (DESCRIBE): **ADEQ on line report, calling ADEQ, and monthly SSO report**

Y N NA NE

ARE ALL SSOs REPORTED REGARDLESS OF SIZE:

Y N NA NE

HAVE SSOs REACHED "WATERS OF THE U.S." (LIST DATE AND LOCATION OF EACH):

Y N NA NE

4-30-2007 at 499 N. Parrott
5-1-2007 at 121 Lee St.
7-8-2007 at 739 N. Parrott
9-2-2008 at Hwy 23 North
11-24-2008 at 561 N. Parrott

PUMP STATIONSS M U NA NENUMBER OF PUMP STATIONS IN SYSTEM: **5**NUMBER WITH BACKUP POWER: **0**HOW OFTEN ARE PUMP STATIONS INSPECTED/MONITORED: **Daily**ARE MAINTENANCE RECORDS AND/OR OPERATOR LOGS KEPT: **No.**

ADEQUATE INVENTORY OF SPARE PARTS: **Mr. Garrett states that they buy the parts as needed. There is not a spare parts inventory.**

TYPE OF REMOTE ELECTRONIC MONITORING USED (I.E. SCADA OR AUTO DIALERS): **SCADA**

BRIEF SUMMARY OF EMERGENCY PROCEDURES: **On call personnel for pump repairs or replacement in the event of pump failure. Rental of generator sets for long term power outage until generator is purchased.**

NUMBER OF PUMP STATIONS VISITED DURING INSPECTION (SEE ATTACHED CHECKLISTS FOR EACH):

2**SATELLITE SYSTEMS**S M U NA NEDOES THE COLLECTION SYSTEM RECEIVE FLOW FROM SATELLITE SYSTEMS: **No**TYPE(S) OF WASTE WATER RECEIVED: RESIDENTIAL COMMERCIAL INDUSTRIAL OTHER:

BRIEFLY DESCRIBE THE SATELLITE SYSTEM:

ANY KNOWN PROBLEMS WITH SATELLITE SYSTEM:

NAME, ADDRESS AND PHONE NUMBER OF PERSON RESPONSIBLE FOR SATELLITE SYSTEM:

PUMP STATION VISIT (COMPLETE A SEPARATE CHECKLIST FOR EACH PUMP STATION VISITED)	
GENERAL INFORMATION AND OVERALL EVALUATION	<input checked="" type="checkbox"/> S <input type="checkbox"/> M <input type="checkbox"/> U <input type="checkbox"/> NA
NAME AND/OR LOCATION OF PUMP STATION: HWY 74	
TYPE(S) OF WASTE WATER RECEIVED: <input checked="" type="checkbox"/> RESIDENTIAL <input checked="" type="checkbox"/> COMMERCIAL <input type="checkbox"/> INDUSTRIAL <input type="checkbox"/> OTHER:	
NUMBER OF PUMPS: <u>2</u>	NUMBER OPERATIONAL: <u>2</u>
NUMBER AND SIZE OF PUMPS APPEARS ADEQUATE:	<input checked="" type="checkbox"/> S <input type="checkbox"/> M <input type="checkbox"/> U <input type="checkbox"/> NA <input type="checkbox"/> NE
EVIDENCE OF RECENT OVERFLOWS OR HIGH LEVELS:	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> NA <input type="checkbox"/> NE
GENERAL OPERATION AND MAINTENANCE	
CLEAN AND WELL MAINTAINED WITH MINIMAL STORAGE OF UNRELATED EQUIPMENT:	<input checked="" type="checkbox"/> S <input type="checkbox"/> M <input type="checkbox"/> U <input type="checkbox"/> NA <input type="checkbox"/> NE
GATES/DOORS/HATCHES/LIDS/ETC. LOCKED TO PREVENT UNAUTHORIZED ACCESS AND/OR TAMPERING:	<input checked="" type="checkbox"/> S <input type="checkbox"/> M <input type="checkbox"/> U <input type="checkbox"/> NA <input type="checkbox"/> NE
WET WELLS, SUMPS AND PITS ADEQUATELY COVERED, GRATED OR OTHERWISE PROTECTED:	<input checked="" type="checkbox"/> S <input type="checkbox"/> M <input type="checkbox"/> U <input type="checkbox"/> NA <input type="checkbox"/> NE
ELECTRICAL CONTROLS COVERS CONDUIT AND EQUIPMENT PROPERLY INSTALLED AND MAINTAINED:	<input checked="" type="checkbox"/> S <input type="checkbox"/> M <input type="checkbox"/> U <input type="checkbox"/> NA <input type="checkbox"/> NE
GUARDS AND SHIELDS IN PLACE AROUND MOVING EQUIPMENT (BELTS, PULLEYS, DRIVESHAFTS, ETC.):	<input checked="" type="checkbox"/> S <input type="checkbox"/> M <input type="checkbox"/> U <input type="checkbox"/> NA <input type="checkbox"/> NE
ADEQUATE VENTILATION TO PREVENT EXCESSIVE CONDENSATION AND/OR GASES AND FUMES:	<input checked="" type="checkbox"/> S <input type="checkbox"/> M <input type="checkbox"/> U <input type="checkbox"/> NA <input type="checkbox"/> NE
ADEQUATE LIGHTING FOR ROUTINE INSPECTION/MAINTENANCE:	<input checked="" type="checkbox"/> S <input type="checkbox"/> M <input type="checkbox"/> U <input type="checkbox"/> NA <input type="checkbox"/> NE
SEALS, VALVES AND PACKING ADEQUATELY MAINTAINED TO PREVENT LEAKS:	<input type="checkbox"/> S <input type="checkbox"/> M <input type="checkbox"/> U <input checked="" type="checkbox"/> NA <input type="checkbox"/> NE
MINIMAL ACCUMULATION OF GREASE AND SOLIDS IN WET WELLS:	<input type="checkbox"/> S <input checked="" type="checkbox"/> M <input type="checkbox"/> U <input type="checkbox"/> NA <input type="checkbox"/> NE
Accumulation of grease observed in wet well.	
BACKUP POWER AND ALARMS	<input type="checkbox"/> S <input checked="" type="checkbox"/> M <input type="checkbox"/> U <input type="checkbox"/> NA
PROVISIONS FOR GENERATOR AND/OR EMERGENCY TRANSFER PUMP:	<input checked="" type="checkbox"/> S <input type="checkbox"/> M <input type="checkbox"/> U <input type="checkbox"/> NA <input type="checkbox"/> NE
AUDIBLE/VISUAL ALARM WITH EMERGENCY CONTACT INFORMATION POSTED:	<input type="checkbox"/> S <input checked="" type="checkbox"/> M <input type="checkbox"/> U <input type="checkbox"/> NA <input type="checkbox"/> NE
SCADA SYSTEM (LIST PARAMETERS MONITORED):	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NA <input type="checkbox"/> NE
Emergency contact information was not posted at the lift station.	

PUMP STATION VISIT (COMPLETE A SEPARATE CHECKLIST FOR EACH PUMP STATION VISITED)	
GENERAL INFORMATION AND OVERALL EVALUATION	<input checked="" type="checkbox"/> S <input type="checkbox"/> M <input type="checkbox"/> U <input type="checkbox"/> NA
NAME AND/OR LOCATION OF PUMP STATION: Hwy 412	
TYPE(S) OF WASTE WATER RECEIVED: <input checked="" type="checkbox"/> RESIDENTIAL <input checked="" type="checkbox"/> COMMERCIAL <input type="checkbox"/> INDUSTRIAL <input type="checkbox"/> OTHER:	
NUMBER OF PUMPS: <u>2</u>	NUMBER OPERATIONAL: <u>2</u>
NUMBER AND SIZE OF PUMPS APPEARS ADEQUATE:	<input checked="" type="checkbox"/> S <input type="checkbox"/> M <input type="checkbox"/> U <input type="checkbox"/> NA <input type="checkbox"/> NE
EVIDENCE OF RECENT OVERFLOWS OR HIGH LEVELS:	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> NA <input type="checkbox"/> NE
GENERAL OPERATION AND MAINTENANCE	
CLEAN AND WELL MAINTAINED WITH MINIMAL STORAGE OF UNRELATED EQUIPMENT:	<input checked="" type="checkbox"/> S <input type="checkbox"/> M <input type="checkbox"/> U <input type="checkbox"/> NA <input type="checkbox"/> NE
GATES/DOORS/HATCHES/LIDS/ETC. LOCKED TO PREVENT UNAUTHORIZED ACCESS AND/OR TAMPERING:	<input checked="" type="checkbox"/> S <input type="checkbox"/> M <input type="checkbox"/> U <input type="checkbox"/> NA <input type="checkbox"/> NE
WET WELLS, SUMPS AND PITS ADEQUATELY COVERED, GRATED OR OTHERWISE PROTECTED:	<input checked="" type="checkbox"/> S <input type="checkbox"/> M <input type="checkbox"/> U <input type="checkbox"/> NA <input type="checkbox"/> NE
ELECTRICAL CONTROLS COVERS CONDUIT AND EQUIPMENT PROPERLY INSTALLED AND MAINTAINED:	<input checked="" type="checkbox"/> S <input type="checkbox"/> M <input type="checkbox"/> U <input type="checkbox"/> NA <input type="checkbox"/> NE
GUARDS AND SHIELDS IN PLACE AROUND MOVING EQUIPMENT (BELTS, PULLEYS, DRIVESHAFTS, ETC.) :	<input checked="" type="checkbox"/> S <input type="checkbox"/> M <input type="checkbox"/> U <input type="checkbox"/> NA <input type="checkbox"/> NE
ADEQUATE VENTILATION TO PREVENT EXCESSIVE CONDENSATION AND/OR GASES AND FUMES:	<input type="checkbox"/> S <input type="checkbox"/> M <input type="checkbox"/> U <input checked="" type="checkbox"/> NA <input type="checkbox"/> NE
ADEQUATE LIGHTING FOR ROUTINE INSPECTION/MAINTENANCE:	<input checked="" type="checkbox"/> S <input type="checkbox"/> M <input type="checkbox"/> U <input type="checkbox"/> NA <input type="checkbox"/> NE
SEALS, VALVES AND PACKING ADEQUATELY MAINTAINED TO PREVENT LEAKS:	<input type="checkbox"/> S <input type="checkbox"/> M <input type="checkbox"/> U <input checked="" type="checkbox"/> NA <input type="checkbox"/> NE
MINIMAL ACCUMULATION OF GREASE AND SOLIDS IN WET WELLS:	<input checked="" type="checkbox"/> S <input type="checkbox"/> M <input type="checkbox"/> U <input type="checkbox"/> NA <input type="checkbox"/> NE
BACKUP POWER AND ALARMS	
PROVISIONS FOR GENERATOR AND/OR EMERGENCY TRANSFER PUMP:	<input checked="" type="checkbox"/> S <input type="checkbox"/> M <input type="checkbox"/> U <input type="checkbox"/> NA <input type="checkbox"/> NE
AUDIBLE/VISUAL ALARM WITH EMERGENCY CONTACT INFORMATION POSTED:	<input type="checkbox"/> S <input checked="" type="checkbox"/> M <input type="checkbox"/> U <input type="checkbox"/> NA <input type="checkbox"/> NE
SCADA SYSTEM (LIST PARAMETERS MONITORED): <u>High level, pump failure, power loss.</u>	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NA <input type="checkbox"/> NE
Contact information was not posted at lift station.	

Date started	Date stopped	Volume	Environmental damage	Description	Cause	Stream	Location
6/28/2001	6/28/2001	2500	Unknown	Headworks of the treatment plant	Heavy rainfall		
5/21/2002	5/21/2002	0	unknown	Truck hauling sludge	Truck had to stop quickly and spilled some sludge on the highway		
9/13/2003	9/13/2003	100	unknown	206 Cedar Heights	Grease		
9/7/2004	9/7/2004	300	none noted	825 North Gaskill	grease in line		
5/25/2003	5/25/2003	60	Unknown	Sycamore Street			
11/1/2004	11/1/2004	200	unknown	Manhole inside plant	Too much rain		
		300	unknown	825 North Gaskill	grease		
10/26/2004	10/26/2004	50	unknown	107 Dotson	Roots		
5/18/2005	5/18/2005	200	unknown	Behind Walmart - Main Street	Rehabing a manhole and broke a 8" line	Town Branch Creek	
5/18/2005	5/18/2005	200	unknown	Behind Harp's Foods, manhole #47	Rehabilitating manhole & hit 8" clay line that shattered		
9/26/2005	9/26/2005	50	unknown	Dotson Street, manhole #236	Roots	grassy area	
11/21/2005	11/21/2005	100	None	Cain Street lift station	Battery back-up failure	ditch - Humma Creek	
3/10/2004	3/10/2004	40	unknown	Cane & North Gaskill	Rags & grease		
1/29/2001	1/29/2001	0	Unknown	Headworks of the plant	rainfall		
4/22/2004	4/22/2004	0	unknown	602 Lakeview Drive	Roots		
10/5/2005	10/5/2005	15	unknown	Missouri Street - 308 Ridgeway Apts.	paper towels	street	
1/15/2003	1/15/2003	100	unknown	Ridgeway Apts.	Blockage		
11/8/2002	11/8/2002	0	unknown	412 B East	Blockage		
11/18/2002	11/18/2002	0	unknown	Amberlight Hotel	Blockage		
3/15/2004	3/15/2004	300	unknown	Main St. &	Grease		

Date started	Date stopped	Volume	Environmental damage	Description	Cause	Stream	Location
				412 Business			
5/25/2003	5/25/2003	60	unknown	Sycamore Street	Grease		
4/23/2004	4/23/2004	1000	unknown	Headworks of the plant	6 inches of rain		
1/8/2007	1/8/2007	50	None	Manhole #134 overflow	Debris	On the ground	503 S. Harris
4/4/2007	4/4/2007	100	None observed	Main line overflow	Roots		200' East of Main and War Eagle East of M.H. 121
7/11/2007	7/11/2007	30	NEAH	manhole overflow	roots		710 Lakeview Dr. MH 143
7/11/2007	7/11/2007	300	NEAH	Manhole overflow	grease		28923 Hwy 23 MH 21A
7/9/2007	7/9/2007	1000	EFK 500 - 600 fish (Game and Fish)	Manhole overflow	Grease and debris		739 N Parrott MH 22
11/6/2006	11/6/2006	25	none	overflow	grease		Crossbow & Skyline Drs.
11/28/2006	11/28/2006	10	none	overflow at manhole 270	roots and grease		Crossbow & Parcott
11/30/2006	11/30/2006	100	none	manhole 267 overflow	roots and grease		806 Sycamore
5/1/2007	5/1/2007	100	none	manhole overflow	grease		Manhole #276 on Skyline St.
5/1/2007	5/1/2007	200	none	manhole overflow, Manhole # 74	grease		121 Lee Street
4/30/2007	4/30/2007	300	none	manhole overflow	grease		Manhole # 79 Hwy 23 South
4/30/2007	4/30/2007	300	none	Manhole # 28, behind Crossbow Restaurant	grease	Town Branch Creek	
5/1/2007	5/1/2007	100	none	Manhole # 276 overflow	paper towels	Town Branch	
4/30/2007	4/30/2007	300	none	manhole behind flower shop overflowed	grease	Town Branch	499 N. Parrott
4/30/2007	4/30/2007	300	none	Manhole #79 overflow	grease	Town Branch	204 S. Harris
8/25/2007	8/25/2007	250	NEAH	Manhole Overflow	Grease		Unknown

Date started	Date stopped	Volume	Environmental damage	Description	Cause	Stream	Location
3/22/2008	3/22/2008	150	none	Water coming out of a hook hole on top of MH lid	Roots		702 Lakeview Drive
4/10/2008	4/10/2008		none		6 inches of rain		Headworks of WWTP
9/2/2008	9/2/2008	1000	None	Manhole Overflow #14	Debris	Close to town branch	Hwy. 23 North
10/6/2008	10/6/2008	200	None	Manhole Overflow #217	Grease		201 Lee Street
11/24/2008	11/24/2008	150	NEAH	Manhole # 24A Overflow	Roots	Town Branch	561 N. Parrott
12/14/2008	12/14/2008	300	NEAH	Line break	old clay pipes	Contained in hole	320 Hall Lane / Between MH 245 & 246



Huntsville Water Utilities

P.O. Box 430
Huntsville, Arkansas 72740
501-738-6929

Ms. Cindy Garner, Technical Assistance Manager
Water Division Enforcement Branch
Arkansas Department of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118-5317

RE: AFIN: 44-00018 NPDES Permit Tracking No: AR0022004

I response to a compliance evaluation inspection of lift-stations for the wastewater treatment facility performed by Alison West. The following was found and has been corrected.

1. Maintenance records and/or operators logs should be kept on each lift-station.
Response: Maintenance records have been drafted and are now being kept on all lift-stations.
2. Emergency contact information is not posted at the lift-stations.
Emergency contact information has now been posted on all lift-stations.

If you have any further questions or comments please feel free to contact me.

Larry D. Garrett
Director
Huntsville Water Utilities



Huntsville Water Utilities

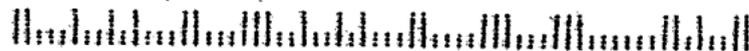
P.O. Box 430
Huntsville, Arkansas 72740
501-738-6929

NORTHWEST AR. P&DF
AR 727 2 T
04 MAY 2009 PM



Ms. Cindy Garner, Technical Assistance
Manager
Water Division Enforcement Branch
Arkansas Department of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118-5317

72118+5317



ADEQ

ARKANSAS
Department of Environmental Quality

July 5, 2009

Larry Garrett, Director
Huntsville Water Utilities
P.O. Box 430
Huntsville, AR 72740

RE: NPDES Permit AR0022004, AFIN 44-00018
Response to Inspection

Dear Mr. Garrett:

ADEQ has received your responses to the March 24, 2009 routine compliance evaluation inspection and compliance sampling inspection of your facility by our District Field Inspector, Alison West. Your letter appears to adequately address the discrepancies identified during the visit. ADEQ assumes the corrective actions taken will be maintained to ensure consistent compliance with the requirements of the permit. Acceptance of this response by the Department does not preclude any future enforcement action deemed necessary at this site or any other site.

The Department will keep the inspection and your response on file and will consider them in determining the amount of a civil penalty, if required, that may be necessary for any violations. Please note that Arkansas Pollution Control and Ecology Commission Regulation No. 7: Civil Penalties requires the Department to consider several factors when determining a civil penalty. Enclosed for your information with this letter is a list of the Regulation 7 factors, among which are the past compliance history of your company and how expeditiously violations are addressed.

Thank you for your attention to this matter. If we need further information, we will contact you. Should you have any questions, feel free to contact me by phone at 501-682-0632 or e-mail at robertsa@adeq.state.ar.us. Please remember to refer to NPDES Permit AR0022004 and AFIN 44-00018 in any written correspondence to this Department.

Sincerely,



Anne Roberts
Enforcement Analyst
Enforcement Branch
Water Division

Enclosure

Arkansas Pollution Control and Ecology Commission Regulation No. 7 – Civil Penalties

Section 9. Determination of Amount

In determining the amount of a civil penalty to be assessed hereunder, the Department shall consider the following factors which may increase or decrease the amount of the assessed fine:

- (a) The seriousness of the noncompliance and its effect upon the environment, including the degree of potential or actual risk or harm to the public health caused by the violation.
- (b) Whether the cause of the noncompliance was an unavoidable accident.
- (c) The violator's cooperativeness and expeditious efforts to correct the violation.
- (d) The history of a violator in taking all reasonable steps or procedures necessary or appropriate to correct any noncompliance.
- (e) The violator's history of previous documented violations regardless of whether or not any administrative, civil, or criminal proceeding was commenced therefore.
- (f) Whether the cause of the violation was an intentional act or omission on the part of the violator.
- (g) Whether the noncompliance has resulted in economic benefit or pecuniary gain to the violator, including but not limited to cost avoidance.
- (h) Whether the pursuit and the execution of the enforcement action has resulted in unusual or extraordinary costs to the Department or the public.
- (i) Whether any part of the noncompliance is attributable to the action or inaction of the state government.
- (j) Whether the violator has delayed corrective action.