

ARKANSAS DEPARTMENT OF ENERGY AND ENVIRONMENT  
DIVISION OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

City of Mountain View  
P.O. Box 360  
Mountain View, AR 72560

LIS No. 18-091-002  
Permit Number: AR0020117  
AFIN 69-00011

AMENDMENT NO. 002 TO CONSENT ADMINISTRATIVE ORDER

By mutual agreement of City of Mountain View (Respondent) and the Division of Environmental Quality (DEQ), the Consent Administrative Order (CAO) LIS 18-091, as amended by 18-091-001, is hereby amended as follows:

1. Respondent and DEQ have agreed to amend the Findings of Fact Section of CAO LIS 18-091, as amended by 18-091-001, with the addition of the following paragraphs:

35. On February 24, 2021, DEQ and Respondent entered into amended CAO LIS 18-091-001, extending the final date of compliance to December 31, 2023.

36. On the following dates, Respondent submitted quarterly progress reports, as required by CAO LIS 18-091, as amended by 18-091-001, detailing progress made towards achieving final compliance:

- a. 2021: March 12; June 11; September 24; December 7;
- b. 2022: March 21; April 19; September 8; December 5;
- c. 2023: March 9; and July 5;

37. On July 5, 2023, Respondent submitted a request to DEQ to amend CAO LIS 18-091, as amended by 18-091-001. The request included a six-month extension to complete the clarifier rehabilitation at the facility. The request included a new final date of compliance of June 30, 2024.

2. Respondent and DEQ have further agreed to amend the Order and Agreement Section of CAO LIS 18-091, as amended by 18-091-001, by deleting Paragraphs 1 and 2 and replacing those paragraphs with the following:

1. Respondent shall comply with the revised CAP submitted January 5, 2021, and the revised final date of compliance of December 31, 2024. The revised milestone schedule and final compliance date of December 31, 2024, shall be fully enforceable as terms of this order.

2. On or before the fifteenth (15th) date of the month following the effective date of this Amended CAO, and each quarter thereafter for a period last until this CAO, as amended, is closed, Respondent shall submit quarterly progress reports detailing the progress that has been made towards compliance with the final permitted effluent limits of the Permit. Respondent shall submit a final compliance report, signed and stamped by a Professional Engineer (P.E.) licensed in the state of Arkansas, by December 31, 2024, certifying that the corrective actions in the January 5, 2021 CAP have been completed and Respondent is in compliance with the Permit.

3. All provisions of CAO LIS 18-091, as amended by 18-091-001, not explicitly modified by this Amended CAO LIS 18-091-002 shall remain in full force and effect and are hereby incorporated by reference.

4. This Amended CAO 18-091-002 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 the DEQ Director and Chief Administrator of Environment'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 18-091-002 shall be construed as a waiver by DEQ of its enforcement authority over alleged violations not specifically addressed in CAO LIS 18-091, as amended by 18-091-001, as amended by CAO LIS 18-091-002. Also, this Amended CAO does not exonerate Respondent from any past, present, or future conduct that is not expressly addressed in CAO LIS 18-091, as amended by 18-091-001, as amended by CAO LIS 18-091-002, 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 11<sup>th</sup> DAY OF April, 2024.



CALEB J. OSBORNE, DIVISION OF ENVIRONMENTAL QUALITY, DIRECTOR  
CHIEF ADMINISTRATOR, ENVIRONMENT

APPROVED AS TO FORM AND CONTENT:

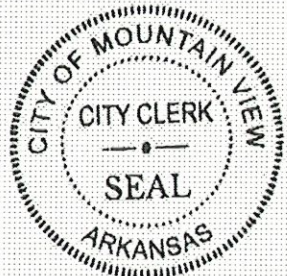
City of Mountain View

BY: Hoover Gardner  
(Signature)

Roger Gardner  
(Typed or printed name)

TITLE: Mayor

DATE: 03-01-2024



Peggy Lancaster



RESOLUTION NO. 2024-05

A RESOLUTION AUTHORIZING THE CITY OF Mountain View 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 Public Works Director 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 Mountain View:

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 Mountain View authorizes the Mayor to sign the proposed Consent Administrative Order.*
3. *The City Council of the City of Mountain View 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 01 day of March, 2024

APPROVED: \_\_\_\_\_

Mayor

ATTEST: \_\_\_\_\_

City Clerk



# MINUTE ORDER

## OFFICE OF THE CITY CLERK CITY OF MOUNTAIN VIEW, ARKANSAS

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The following is an excerpt from the Minutes of the Mountain View City Council Special Meeting held on March 1, 2024, at the Central Fire Station, 205 North Bayou Drive, Mountain View, Arkansas.

**MOTION** to approve Resolution 2024-05 "A RESOLUTION AUTHORIZING THE CITY OF MOUNTAIN VIEW TO ENTER INTO A CONSENT ADMINISTRATIVE ORDER WITH THE ARKANSAS DEPARTMENT OF ENERGY & ENVIRONMENT, DIVISION OF ENVIRONMENTAL QUALITY (DEQ)

*Made by: Truman Bullard  
Seconded by: Finis Brewer*

*Vote Aye: Brewer, Williams, Bullard, Simmons*

*Ricky Shuttleworth and Dana Woods were both absent*

*Motion Carried.*

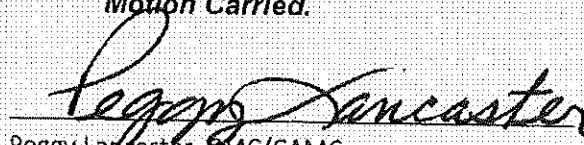
**MOTION** to approve the Proposed Consent Administrative Order Amendment

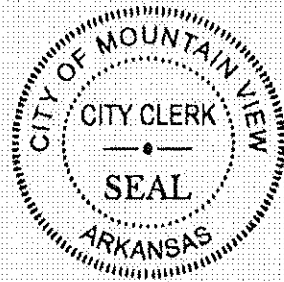
*Made by: Finis Brewer  
Seconded by: Truman Bullard*

*Vote Aye: Brewer, Williams, Bullard, Simmons*

*Ricky Shuttleworth and Dana Woods were both absent*

*Motion Carried.*

  
Peggy Lancaster, CMC/CAMC  
Mountain View City Clerk/Treasurer



Minute Order not valid unless signed by the City Clerk and stamped with the City Clerk's Seal

**MOUNTAIN VIEW CITY COUNCIL MINUTES  
SPECIAL MEETING  
MARCH 01, 2023**

The Mountain View City Council met in special session at 13:00 on March 01, 2023. The meeting was held at the Central Fire Station located at 205 North Bayou Drive, Mountain View, Arkansas.

Digital Recording DMP 0313 – 2023.03.01

Mayor Roger Gardner called the meeting to order with the following present.

**City Officials:**

Roger Gardner, Mayor  
Peggy Lancaster, Clerk/Treasurer

**Others:**

Media: No Media Present  
Keith Johnson – Water and Wastewater

**Councilmembers:**

W1P1 - J.K. Williams  
W1P2 – Finis Brewer  
W2P1 - Ricky Shuttleworth-absent  
W2P2 - Truman Bullard  
W3P1 - Dana Woods-absent  
W3P2 - Danny Simmons

**A Quorum of the Council was established.**

**I. Resolution 2024-05 “A RESOLUTION AUTHORIZING THE CITY OF MOUNTAIN VIEW TO ENTER INTO A CONSENT ADMINISTRATIVE ORDER WITH THE ARKANSAS DEPARTMENT OF ENERGY & ENVIRONMENT, DIVISION OF ENVIRONMENTAL QUALITY (DEQ)”**

Mayor Gardner explained to the council this is a resolution extending the deadline for the consent administrative order (Sewer Plant). There was discussion.

**MOTION to approve Resolution 2024-05 “A RESOLUTION AUTHORIZING THE CITY OF MOUNTAIN VIEW TO ENTER INTO A CONSENT ADMINISTRATIVE ORDER WITH THE ARKANSAS DEPARTMENT OF ENERGY & ENVIRONMENT, DIVISION OF ENVIRONMENTAL QUALITY (DEQ)”**

***Made by: Truman Bullard  
Seconded by: Finis Brewer***

***Vote Aye: Brewer, Williams, Bullard, Simmons***

***Vote Nay: Shuttleworth, Woods (both absent)***



*Motion Carried.*

**2. NPDES Permit No. AR0020117, AFIN 69-00011 Proposed Consent Administrative Order Amendment**

Mayor Gardner said we need to approve the proposed consent administrative order amendment.

**Motion to approve the Proposed Consent Administrative Order Amendment**

*Made by: Finis Brewer*

*Seconded by: Truman Bullard*

*Vote Aye: Brewer, Williams, Bullard, Simmons*

*Vote Nay: Shuttleworth, Woods (both absent)*

**There being no further business,**

**MOTION to adjourn**

*Made by: Truman Bullard*

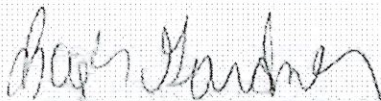
*Seconded by: J.K. Williams*

*Vote Aye: Brewer, Williams, Bullard, Simmons*

*Vote Nay: Shuttleworth, Woods (both absent)*

*Motion Carried.*

Meeting adjourned at 13:02



Roger Gardner, Mayor

  
Peggy Lancaster CMC/CAMC, City Clerk