

RESOLUTION NO. 2018-09-01-R

CITY OF BATESVILLE, ARKANSAS

A RESOLUTION APPROVING CONSENT ADMINISTRATIVE ORDER 08-083-002 AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE SAME

WHEREAS, since July 29, 2008, the City of Batesville has been subject to Consent Administrative Order 08-083, which addressed sanitary sewer overflow issues;

WHEREAS, that order set forth a milestone schedule for completion of certain work;

WHEREAS, the parties have agreed upon an updated milestone schedule, which will be reflected in The Second Amendment to Consent Administrative Order LIS 08-083, attached hereto as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Batesville, Arkansas:

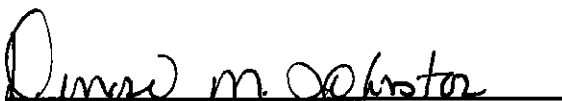
Section 1. That the City of Batesville, Arkansas, hereby authorizes the Mayor and City Clerk to sign the Second Amendment to Consent Administrative Order LIS 08-083 on behalf of the City of Batesville.

ADOPTED THIS 11th **DAY OF** SEPTEMBER, 2018

APPROVED:


RICK ELUMBAUGH, MAYOR

ATTEST:


DENISE JOHNSTON, CITY CLERK

ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

City of Batesville
500 East Main St
Batesville, AR 72501

LIS No. 08-083-002
Permit No. AR0020702
AFIN 32-00044

AMENDMENT NO. 002 TO CONSENT ADMINISTRATIVE ORDER

By mutual agreement of the City of Batesville (“Respondent”) and the Arkansas Department of Environmental Quality (ADEQ or “Department”), the Consent Administrative Order (CAO) LIS 08-083, as amended by CAO LIS 08-083-001, is hereby amended as follows:

1. Respondent and ADEQ have agreed to amend Finding of Fact Paragraph 8 of CAO LIS 08-083, as amended by CAO LIS 08-083-001, by deleting Paragraph 8 it and replacing that paragraph with the following:

8. On December 20, 2017, Respondent submitted the following updated

Milestone Schedule:

<u>Description of Work</u>	<u>Date of Work Completion</u>
Mainline Construction	November 2020
Sewer System Rehabilitation by Contract	December 2022
Rehabilitation of Private Service Lines	December 2019
Sewer System Rehabilitation by City Forces	December 31, 2018
Sewer System Effectiveness Evaluation	September 2023
Assess Remedial Action/Additional Facilities to Contain Peak Flows	July 2024

2. All provisions of CAO LIS 08-083, as amended by CAO LIS 08-083-001, not explicitly modified by this Amended CAO LIS 08-083-002 shall remain in full force and effect and are hereby incorporated by reference.
3. This Amended CAO LIS 08-083, as amended by CAO LIS 08-083-001, as amended by CAO LIS 08-083-002, 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.
4. Nothing in this Amended CAO LIS 08-083-002 shall be construed as a waiver by ADEQ of its enforcement authority over alleged violations not specifically addressed in CAO LIS 08-083, as amended by CAO LIS 08-083-001, as amended by CAO LIS 08-083-002. Also, this Amended CAO does not exonerate Respondent from any past, present, or future conduct which is not expressly addressed in CAO LIS 08-083, as amended by CAO LIS 08-083-001, as amended by CAO LIS 08-083-002, nor does it relieve Respondent of its responsibilities for obtaining any necessary permits.
5. 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 3 above.
6. This Order has been reviewed and approved by the City Council of the Respondent in a duly convened meeting with a quorum present. See copy of meeting minutes or resolution attached as Exhibit A.
7. The City Council of the Respondent has authorized the Mayor and City Clerk/Treasurer

to sign this Order on behalf of the Respondent. See Exhibit A.


8. The City Council of the Respondent has authorized the Mayor and City Clerk/Treasurer to expend funds for compliance activities required by this Order including but not limited to the payment of a civil penalty. See Exhibit A.

SO ORDERED THIS _____ DAY OF _____, 2018.

BECKY W. KEOGH, DIRECTOR

APPROVED AS TO FORM AND CONTENT:

City of Batesville

BY: 
(Signature)

Rick Elumbaugh
(Typed or printed name)

TITLE: Mayor

DATE: 8/13/18