



DIVISION OF ENVIRONMENTAL QUALITY

Sarah Huckabee Sanders
GOVERNOR

Shane E. Khoury
SECRETARY

August 24, 2023

Email: npw@nashar.org

Honorable Larry Dunaway, Mayor
City of Nashville
426 North Main
Nashville, AR 71852

**RE: NPDES Permit Number AR0021776, AFIN 31-00036
PROPOSED CONSENT ADMINISTRATIVE ORDER**

Dear Mayor Dunaway:

Attached is a proposed Consent Administrative Order (CAO) for violations of the Arkansas Water and Air Pollution Control Act, Ark. Code Ann. § 8-4-201 *et seq.*, at a site located at 743 Highway 27 South, Nashville, Arkansas. The Division of Environmental Quality (DEQ) has determined that this CAO is necessary to ensure compliance with the Act.

The enclosed CAO enumerates the violations in the “Findings of Fact” section, and outlines the steps required to achieve compliance in the “Order and Agreement” section of the CAO. Additionally, a civil penalty in the amount of \$8600.00 is proposed by DEQ to settle to violations outlined in the CAO. However, DEQ will suspend and ultimately dismiss \$5600.00 of the civil penalty if the City of Nashville fully complies with the CAO. If you choose to accept the terms of the CAO, please sign, date, and **return the originally signed copy** to the address below within **twenty (20) calendar days** of receipt of this letter. A City Council Resolution that approves the CAO and authorizes the Mayor and Clerk/Treasurer to sign the CAO on behalf of the City of Nashville must also be submitted. Subsequently, the Chief Administrator of DEQ will sign the CAO and you will be provided a copy, including information on the public notice process and the effective date of the CAO.

In addition, you may have the option of directing a portion of your penalty toward a Supplemental Environmental Project (SEP) to advance environmental interests. Generally, a SEP will not reduce the recommended administrative civil penalty by more than thirty-five percent (35%); however, the DEQ Director has the final authority to establish the level of mitigation of a penalty. If you are interested in a SEP as part of your negotiated settlement, please refer to DEQ’s SEP Policy and Proposal Guidelines at <http://www.state.ar.us/legal/sep.htm> for additional information.

Failure to contact the DEQ, Office of Water Quality, Enforcement Branch in response to this CAO **within (20) calendar days** of receipt of this letter, will constitute rejection of the settlement offer and unilateral enforcement action may proceed through a Notice of Violation (NOV). Should you wish to discuss this matter further, you may contact me at (501) 682-0699, or you may e-mail tiana.toups@adeq.state.ar.us.

Sincerely,

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

Tiana Toups, Enforcement Analyst
Office of Water Quality, Enforcement Branch
5301 Northshore Drive North Little Rock, AR 72118

CC: