

RESOLUTION NO. 2001

**A RESOLUTION AUTHORIZING AMENDMENTS NO. 002
AND NO. 003 TO CONSENT ADMINISTRATIVE ORDER
LIS NO. 18-066-001 ENVIRONMENTAL QUALITY**

Whereas, the City of Monticello has heretofore entered into a Consent Administrative Order with the Arkansas Department of Environmental Quality in regard to The City Monticello sewer system (LIS No. 18-066-001);

Whereas, the Mayor working with the City Engineer have negotiated Amendments No. 002 and No. 003 to Consent Administrative Order LIS No. 18-066-001, a true and correct copy of said Amendments No. 002 and No. 003 to Consent Administrative Order being attached hereto as Exhibit "1";

Whereas, the City Council of Monticello, Arkansas, finds the entry of Amendment No. 002 and No. 003 Consent Administrative Order to be in the best interest of the City of Monticello.

It is, therefore, by the City Council of Monticello, Arkansas resolved as follows:

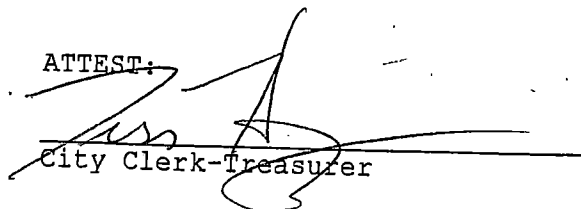
1. That the Mayor and the City Clerk are authorized and directed to execute and approve on behalf of the City of Monticello Amendments No. 002 and No. 003 Consent Administrative Order to Consent Administrative Order LIS No. 18-066-001, in form and substance consistent with Exhibit "1" hereto.

(END OF RESOLUTION)

ADOPTED on this 28 day of January, 2020.



Mayor

ATTEST:


City Clerk-Treasurer

ARKANSAS

ENERGY & ENVIRONMENT

ENVIRONMENTAL QUALITY

December 13, 2019

CERTIFIED MAIL: 9489 0090 0027 6060 6299 35

Honorable Paige Chase, Mayor
City of Monticello
P.O. Box 505
Monticello, AR 71657

RE: NPDES Permit Number: AR0021831 and AR0021822, AFIN: 22-00379 and 22-00037
PROPOSED CONSENT ADMINISTRATIVE ORDER ADMENDMENT

Dear Mayor Chase:

The Division of Environmental Quality (DEQ) and the City of Monticello entered into Consent Administrative Orders (CAO) LIS 16-064 and LIS 18-066. Pursuant to Order and Agreement Paragraph 4 of CAO LIS 18-066, the City of Monticello agreed to achieve compliance with all permitted effluent limitations no later than December 31, 2018. On July 29, 2019, the City of Monticello requested extension of final compliance date. After careful consideration, DEQ is willing to accept this request.

Enclosed is a copy of the CAO Amendments in this matter. If you choose to accept the terms of the CAO Amendments, please sign, date, and **return the original, embossed copy** to the address below within **twenty (20) calendar days** of receipt of this letter. A City Council Resolution that approves the CAOs and authorizes the Mayor and Clerk/Treasurer to sign the CAO Amendments on behalf of the City of Monticello must also be submitted. Subsequently, the Director of DEQ will sign the CAO Amendments and the City of Monticello will be provided a copy, including information on the public notice process and the effective date of the CAO Amendments.

Should you wish to discuss this matter further, you may contact me at (501) 682-0639, or you may e-mail bailey.taylor@adeq.state.ar.us.

Sincerely,



Bailey Taylor
Enforcement Coordinator
Office of Water Quality

cc: Chid Kwelle, PhD, P.E., McCelland Consulting Engineers, Inc. (ckwelle@mce.us.com)

Division of Environmental Quality

5301 Northshore Drive, North Little Rock, AR 72118-5137
adeq.state.ar.us

ARKANSAS DEPARTMENT OF ENERGY AND ENVIRONMENT
DIVISION OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

City of Monticello – West Plant
P.O. Box 505
Monticello, AR 71655

LIS No. 16-064-002
Permit No. AR0021822
AFIN 22-00037

AMENDMENT NO. 002 TO CONSENT ADMINISTRATIVE ORDER

By mutual agreement of the City of Monticello (Respondent) and the Division of Environmental Quality¹ (DEQ), the Consent Administrative Order (CAO) LIS 16-064, as amended by CAO LIS 16-064-001, is hereby amended as follows:

1. Respondent and DEQ have agreed to amend the Findings of Fact Section of CAO LIS 16-064, as amended by CAO LIS 16-064-001, with the addition of the following paragraphs:

20. On July 29, 2019, Respondent submitted a request to DEQ to amend CAO LIS 16-064, as amended by 16-064-001. The request included a new final date of compliance of April 30, 2021.

21. On August 30, 2019, Respondent submitted a revised Corrective Action Plan (CAP) to conduct a Sanitary Sewer Evaluation Study (SSES), develop a sanitary sewer rehabilitation plan, and reconcile the Hydrograph Control Release (HCR) discharge. The revised CAP contained a final date of compliance of December 22, 2021.

¹ Pursuant to Act 910 of 2019, the Arkansas Transformation and Efficiencies Act, the former Arkansas Department of Environmental Quality is now the Division of Environmental Quality in the newly created Department of Energy and Environment.

2. Respondent and DEQ have further agreed to amend the Order and Agreement Section of CAO LIS 16-064, as amended by CAO LIS 16-064-001, by deleting Paragraph 1 and replacing the paragraph with the following:

1. Respondent shall:

a. Comply with the terms, milestone schedule, and final date of compliance in the CAP dated August 30, 2019.

b. On or before December 31, 2020, submit the Sanitary Sewer Rehabilitation Plan (SSRP) to DEQ. The SSRP shall detail the methods and best available technologies that will be used to repair or rehabilitate those areas in the collection system that require improvements and shall include a milestone schedule for those improvements, as identified in the SSES. The milestone schedule should include a final compliance date no later than December 31, 2021. The terms, milestone schedule, and final date of compliance shall be enforceable as terms of this CAO.

c. On or before December 31, 2021, submit a certification of compliance from a Professional Engineer (PE) licensed in the state of Arkansas stating that the corrective actions listed in the revised CAP submitted on August 30, 2019, have been completed and that Respondent is in compliance with the effluent limitations of the Permit.

d. On or before December 31, 2021, submit a certification of completion from a PE licensed in the state of Arkansas stating that the corrective actions listed in the SSRP have been completed.

3. All provisions of CAO LIS 16-064, as amended by 16-064-001, not explicitly modified by this Amended CAO LIS 16-064-002 shall remain in full force and effect and are hereby incorporated by reference.

4. This Amended CAO LIS 16-064-002 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. 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-day public comment period notwithstanding the public notice requirements.

5. Nothing in this Amended CAO LIS 16-064-002 shall be construed as a waiver by DEQ of its enforcement authority over alleged violations not specifically addressed in CAO LIS 16-064, as amended by CAO LIS 16-064-001, as amended by CAO LIS 16-064-002. Also, this Amended CAO does not exonerate Respondent from any past, present, or future conduct that is not expressly addressed in CAO LIS 16-064, as amended by CAO LIS 16-064-001, as amended by CAO LIS 16-064-002, 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 _____ DAY OF _____, 2019.

BECKY W. KEOGH, DIRECTOR

APPROVED AS TO FORM AND CONTENT:

City of Monticello

BY: Paige Chase
(Signature)

Paige Chase
(Typed or printed name)

TITLE: Mayor

DATE: 12-17-19

ARKANSAS DEPARTMENT OF ENERGY AND ENVIRONMENT
DIVISION OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

City of Monticello – East Plant
P.O. Box 505
Monticello, AR 71657

LIS No. 18-066-001
Permit No. AR0021831
AFIN 22-00379

AMENDMENT NO. 001 TO CONSENT ADMINISTRATIVE ORDER

By mutual agreement of the City of Monticello (Respondent) and the Division of Environmental Quality¹ (DEQ), the Consent Administrative Order (CAO) LIS 18-066 is hereby amended as follows:

1. Respondent and DEQ have agreed to amend the Findings of Fact Section of CAO LIS 18-066 with the addition of the following paragraphs:

31. On July 29, 2019, Respondent submitted a request to DEQ to amend CAO LIS 18-066 with new final date of compliance of December 31, 2020.

32. On August 30, 2019, Respondent submitted a revised Corrective Action Plan (CAP) that included removing sludge and minimizing short-circuiting in the lagoon system. The revised CAP included a milestone schedule and final compliance date of September 30, 2021.

¹ Pursuant to Act 910 of 2019, the Arkansas Transformation and Efficiencies Act, the former Arkansas Department of Environmental Quality is now the Division of Environmental Quality in the newly created Department of Energy and Environment.

2. Respondent and DEQ have further agreed to amend the Order and Agreement Section of CAO LIS 18-066 by deleting Paragraphs 3 and 4 and replacing those paragraphs with the following:

3. The revised CAP submitted on August 30, 2019, is hereby incorporated in this Order. The terms, milestone schedule, and final compliance date contained in the August 30, 2019 revised CAP shall be fully enforceable as terms of this Order.

4. On or before September 30, 2021, Respondent shall submit a certification of compliance from a Professional Engineer licensed in the state of Arkansas, stating that the corrective actions listed in the revised CAP submitted on August 30, 2019, have been completed and that Respondent is in compliance with the effluent limitations of the Permit.

3. All provisions of CAO LIS 18-066 not explicitly modified by this Amended CAO LIS 18-066-001 shall remain in full force and effect and are hereby incorporated by reference.

4. This Amended CAO LIS 18-066-001 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. 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-day public comment period notwithstanding the public notice requirements.

5. Nothing in this Amended CAO LIS 18-066-001 shall be construed as a waiver by DEQ of its enforcement authority over alleged violations not specifically addressed in CAO LIS 18-

066, as amended by CAO LIS 18-066-001. Also, this Amended CAO does not exonerate Respondent from any past, present, or future conduct that is not expressly addressed in CAO LIS 18-066, as amended by CAO LIS 18-066-001, 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 the Division and by Respondent, or by action of the Division 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 _____ DAY OF _____, 2019.

BECKY W. KEOGH, DIRECTOR

APPROVED AS TO FORM AND CONTENT:

City of Monticello

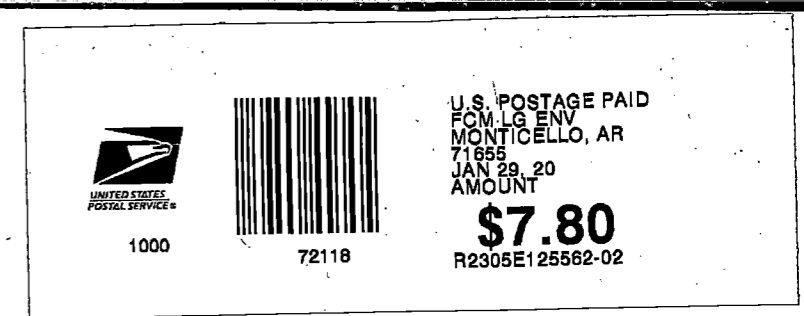
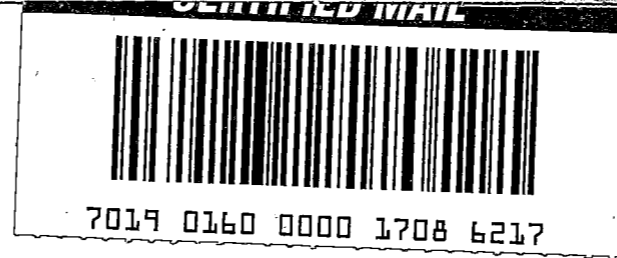
BY: Paige Chase
(Signature)

Paige Chase
(Typed or printed name)

TITLE: Mayor

DATE: 12-17-19

City of Monticello
PO BOX 505
MONTICELLO, AR
71655



Environmental Quality
5301 Northshore Dr.
North Little Rock, AR
72118

