

**From:** Pemberton, Layne  
**To:** ["dallen@cityofeurekasprings.org"](mailto:dallen@cityofeurekasprings.org)  
**Cc:** ["Mayor B"](#)  
**Subject:** AR0021865 Eureka Springs Upset Conditions and Reporting Requirements  
**Date:** Thursday, August 16, 2018 11:54:00 AM

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Mr. Allen,

A recent review of the Non-Compliance reports for Eureka Springs noted that an upset condition occurred during the June 2018 monitoring period. This upset resulted in violations of the effluent limits set forth in your permit.

Any Bypass or Upset Condition must be reported to the Department within 24 hours, as detailed in Part III.D.6 of the permit:

***6. Twenty-four Hour Report***

*A. The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain the following information:*

- 1. A description of the noncompliance and its cause;*
- 2. The period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and*
- 3. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.*

*B. The following shall be included as information which must be reported within 24 hours:*

- 1. Any unanticipated bypass which exceeds any effluent limitation in the permit;*
- 2. Any upset which exceeds any effluent limitation in the permit and*
- 3. Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in Part I of the permit to be reported within 24 hours to the Enforcement Section of the Water Division of the ADEQ.*

The SSO/Bypass/Upset database shows the last entry to be 8/17/17. The Department would like to know the number and circumstances of all upsets/bypasses/SSOs over the past two years.

Failure to provide 24 hour notification of any bypass or upset condition may lead to formal enforcement action.

If you have any questions please contact me.

Thank you,

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