

MEMORANDUM

To: Robert E. Blanz, Ph.D., P.E., Associate Director, OWQ *REB*
Through: Richard Healey, Water Enforcement Branch Manager, OWQ *BMT for RH*
Bailey Taylor, Water Enforcement Coordinator, OWQ *BMT*
From: Danielle Harbin, Water Enforcement Analyst, OWQ
Date: January 14, 2020
Subject: Request to Close CAO 18-010 for City of Wynne and Signature of CAO Closure Letter

CAO LIS 18-010 for City of Wynne was effective March 10, 2018. The Order is for failure to submit a timely permit renewal application. The Order and Agreement required City of Wynne to comply with the existing Permit until either the effective date of the permit renewal and pay a civil penalty of \$1,000.00. The City of Wynne has completed all requirements of CAO LIS 18-010.

The City of Wynne submitted a complete renewal application on October 19, 2017 and was issued a permit renewal on August 1, 2018.

The City of Wynne last reported an effluent violation in May 2019 and is in compliance at this time; therefore, I am requesting CAO LIS 18-010 be closed, and signature of the CAO closure letter. I have attached a copy of the executed Order, a copy of the penalty check, and a copy of the permit renewal.

ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

City of Wynne
121 East Merriman Avenue
Wynne, Arkansas 72396

LIS No. ~~17-~~ 18-010
Permit No. AR0021903
AFIN 19-00071

CONSENT ADMINISTRATIVE ORDER

This Consent Administrative Order ("Order") is issued pursuant to the authority of the Arkansas Water and Air Pollution Control Act ("the Act"), Ark. Code Ann. § 8-4-101 *et seq.*, the Federal Water Pollution Control Act, 33 U.S.C. § 1311 *et seq.*, and the regulations issued thereunder by Arkansas Pollution Control and Ecology Commission (APC&EC).

The issues herein having been settled by the agreement of the City of Wynne ("Respondent") and the Arkansas Department of Environmental Quality (ADEQ or "Department"), it is hereby agreed and stipulated that the following FINDINGS OF FACT and ORDER AND AGREEMENT be entered.

FINDINGS OF FACT

1. Respondent operates a wastewater treatment facility ("Facility") located at 545 Bowden Road, Wynne, Cross County, Arkansas.
2. Respondent discharges treated wastewater to a drainage ditch, thence to Caney Creek, thence to the L'Anguille River, thence to the St. Francis River in Segment 5B of the St. Francis River Basin.
3. Respondent is regulated pursuant to the National Pollutant Discharge Elimination System (NPDES).

4. Pursuant to the federal Clean Water Act, 33 U.S.C. § 1311(a) *et seq.*, the NPDES program prohibits the discharge of pollutants except as in compliance with a permit issued under the NPDES program in accordance with 33 U.S.C. § 1342(a).
5. ADEQ is authorized under the Arkansas Water and Air Pollution Control Act to issue NPDES permits in the state of Arkansas and to initiate an enforcement action for any violation of an NPDES permit.
6. Ark. Code Ann. § 8-4-217(a)(3) provides:
 - (a) It shall be unlawful for any person to:

...
 - (3) Violate any provisions of this chapter or of any rule, regulation, or order adopted by the [APC&EC] under this chapter or of a permit issued under this chapter by the [ADEQ].
7. Ark. Code Ann. § 8-4-103(c)(1)(A) authorizes ADEQ to assess an administrative civil penalty not to exceed ten thousand dollars (\$10,000) per violation for any violation of any provision of the Act and any regulation or permit issued pursuant to the Act.
8. Pursuant to Ark. Code Ann. § 8-4-103(c)(1)(B), “[e]ach day of a continuing violation may be deemed a separate violation for purposes of penalty assessment.”
9. NPDES Permit Number AR0021903 (“Permit”) was issued to the Respondent on March 4, 2013. The Permit became effective on April 1, 2013, and will expire on March 31, 2018.
10. Part III, Section D, Condition 10 of the Permit requires Respondent to submit a complete permit renewal application at least 180 days prior to the expiration date of the Permit if the activity regulated by the Permit is to continue after the expiration date.

11. Respondent intends to operate this facility beyond the expiration date of the current permit, March 31, 2018.

12. On April 4, 2017, and June 6, 2017, Respondent was notified that the Permit would expire on March 31, 2018, and that in order to continue the regulated activity, a complete renewal application must be received by the Department no later than October 2, 2017.

13. The complete Permit renewal application was not received by October 2, 2017. Failure to submit the Permit renewal application by October 2, 2017, is a violation of Part III, Section D, Condition 10 of the Permit and therefore a violation of Ark. Code Ann. § 8-4-217(a)(3).

ORDER AND AGREEMENT

WHEREFORE, the parties stipulate and agree as follows:

1. Respondent shall comply with the existing Permit until either the effective date of the permit renewal or the effective date of the permit termination.

2. In compromise and full settlement of the violations specified in the Findings of Fact, Respondent agrees to pay a civil penalty of One Thousand Dollars (\$1,000.00). Payment is due within thirty (30) calendar days of the effective date of this Order. Such payment of the penalty shall be made payable to the Arkansas Department of Environmental Quality, and mailed to the attention of:

Arkansas Department of Environmental Quality
Fiscal Division
5301 Northshore Drive
North Little Rock, AR 72118

In the event that Respondent fails to pay the civil penalty within the prescribed time, ADEQ shall be entitled to attorneys' fees and costs of collection.

3. Failure to meet any requirement or deadline of this Order constitutes a violation of said Order. If Respondent should fail to meet any such requirements or deadlines, the Respondent

consents and agrees to pay on demand to ADEQ stipulated penalties according to the following schedule:

- a. First day through fourteenth day: \$100.00 per day
- b. Fifteenth day through the thirtieth day: \$500.00 per day
- c. Each day beyond the thirtieth day: \$1000.00 per day

These stipulated penalties for delay in performance shall be in addition to any other remedies or sanctions which may be available to ADEQ by reason of failure by Respondent to comply with the requirements of this Order.

4. If any event, including but not limited to an act of nature, occurs which causes or may cause a delay in the achievement of compliance by Respondent with the requirements or deadlines of this Order, Respondent shall so notify ADEQ, in writing, as soon as reasonably possible after it is apparent that a delay will result, but in no case after the due dates specified in this Order. The notification shall describe in detail the anticipated length of the delay, the precise cause of the delay, the measures being taken and to be taken to minimize the delay, and the timetable by which those measures will be implemented.

5. ADEQ may grant an extension of any provision of this Order, provided that Respondent requests such an extension in writing and provided that the delay or anticipated delay has or will be caused by circumstances beyond the control of and without the fault of Respondent. The time for performance may be extended for a reasonable period but in no event longer than the period of delay resulting from such circumstances. The burden of proving that any delay is caused by circumstances beyond the control of and without the fault of Respondent and the length of the delay attributable to such circumstances shall rest with Respondent. Failure to notify the ADEQ promptly, as provided in the preceding paragraph of this Section, shall be grounds for a denial of an extension.

6. All requirements by the Order and Agreement are subject to approval by ADEQ. Unless otherwise specified herein, in the event of any deficiencies, Respondent shall, within the timeframe specified by ADEQ, submit any additional information or changes requested, or take additional actions specified by ADEQ to correct any such deficiencies. Failure to adequately respond to such Notice of Deficiency within the timeframe specified in writing by ADEQ constitutes a failure to meet the requirements established by this Order.

7. This Order is subject to public review and comment in accordance with Ark. Code Ann. § 8-4-103(d) and APC&EC Regulation No. 8 and shall not be effective until thirty (30) calendar days after public notice is given. ADEQ retains the right to rescind this Order based upon the comments received within the thirty-day public comment period. Notwithstanding the public notice requirements, the corrective actions necessary to achieve compliance shall be taken immediately. The publication of this Order shall occur on or about the 10th or 25th day of the month following the date this Order is executed. As provided by APC&EC Regulation No. 8, this matter is subject to being reopened upon Commission initiative or in the event a petition to set aside this Order is granted by the Commission.

8. Nothing in this Order shall be construed as a waiver by ADEQ of its enforcement authority over alleged violations not specifically addressed herein. Also, this Order does not exonerate Respondent from any past, present, or future conduct which is not expressly addressed herein, nor does it relieve Respondent of its responsibilities for obtaining any necessary permits.

9. This Order 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 __.

10. The City Council of Respondent has authorized the Mayor and City Clerk/Treasurer to

sign this Order on behalf of Respondent. See Exhibit __.

11. The City Council of 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 the civil penalty as set forth in this Order. See Exhibit __.

SO ORDERED THIS 25 DAY OF January, 2017.⁸

Becky W. Keogh
BECKY W. KEOGH, DIRECTOR

APPROVED AS TO FORM AND CONTENT:

CITY OF WYNNE

BY: [Signature]
(Signature)

Robert STACY
(Typed or printed name)

TITLE: Mayor

DATE: 1-18-17

CITY OF WYNNE

RESOLUTION NO. 01 09 2018 A

A RESOLUTION APPROVING A CONSENT ADMINISTRATIVE ORDER TO BE ENTERED INTO WITH THE ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY; AUTHORIZING THE MAYOR AND CITY CLERK, ON BEHALF OF THE CITY, TO EXECUTE SAID ORDER; AND APPROPRIATING NECESSARY SUMS TO PAY THE PENALTY AS SET OUT IN THE ORDER.

WHEREAS, the Arkansas Department of Environmental Quality (ADEQ) has found that the City of Wynne, Arkansas, has failed to properly renew the city's permit to discharge waste water which is a violation of the Arkansas Water and Air Pollution Control Act and the Federal Water Pollution Control Act; and

WHEREAS, to avoid the imposition of substantial civil penalties. ADEQ has proposed a Consent Administrative Order, assessing a civil penalty against the City in the sum of \$1,000.00, designated as a voluntary civil penalty; and

WHEREAS, the City, in acknowledgment of the noted violations, desires to enter into the Consent Administrative Order, which allows the City to develop a plan for maintaining compliance with the Permit.

NOW, THEREFORE, be it resolved by the City Council of Wynne, Arkansas:


Section 1: That the Consent Administrative Order ("CAO") with ADEQ is hereby approved and the Mayor and City Recorder hereby are authorized and directed to City of Wynne - Resolution No. 01 09 2018A execute same on behalf of the City of Wynne. The CAO shall be in substantially the form as presented to the Council a copy of which is appended to this resolution.

Section 2: There is hereby appropriated the sum of \$1,000.00 to pay the voluntary civil penalty as provided in the CAO, and the City Clerk is authorized to expend said appropriated funds for the designated purpose.

Section 3: The Mayor be and he is hereby authorized to initiate all reasonable efforts and take all action deemed necessary to cause the city's wastewater treatment facility to become compliant with the permit limitations. The Mayor is further authorized to take such further and additional actions as he deems necessary and appropriate to comply with the Consent Administrative Order.

ADOPTED AND EXECUTED THIS 9TH DAY OF JANUARY 2018.


Bob Stacy, Mayor

ATTEST: 
Tamera Brewster, City Clerk

**AUTHORIZATION TO DISCHARGE WASTEWATER UNDER
THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM AND
THE ARKANSAS WATER AND AIR POLLUTION CONTROL ACT**

In accordance with the provisions of the Arkansas Water and Air Pollution Control Act (Ark. Code Ann. 8-4-101 et seq.), and the Clean Water Act (33 U.S.C. § 1251 et seq.),

City of Wynne

is authorized to discharge treated municipal wastewater from a facility located as follows: 545 Bowden Road, Wynne, AR, Approximately 1.5 miles West of Wynne on Hwy 284 to Bowden Road, thence south on Bowden Road approximately 0.25 mile in Cross County, Arkansas. The applicant's mailing address is: 121 East Merriman Avenue, Wynne, AR 72396.

Facility Coordinates: Latitude: 35° 13' 8.81" N; Longitude: 90° 49' 41.25" W

Receiving stream: an unnamed tributary, thence to Williams Creek, thence to Caney Creek, thence to the L'Anguille River, thence to the St. Francis River in Segment 5B of the St. Francis River Basin.

The permitted outfall is located at the following coordinates:

Outfall 001: Latitude: 35° 13' 07" N; Longitude: 90° 49' 52" W

Discharge shall be in accordance with effluent limitations, monitoring requirements, and other conditions set forth in this permit. Per Part III.D.10, the permittee must re-apply 180 days prior to the expiration date below for permit coverage to continue beyond the expiration date.

Effective Date: August 1, 2018
Expiration Date: July 31, 2023



Caleb J. Osborne
Associate Director, Office of Water Quality
Arkansas Department of Environmental Quality

7.17.18

Issue Date

Crist Engineers, Inc.

205 Executive Court
Little Rock, Arkansas 72205
Telephone (501) 664-1552
Fax (501) 664-8579
www.cristengineers.com



Consulting Engineers

Stewart W. Noland
Leslie B. Price
Matthew D. Dunn
Craig A. Johnson

September 28, 2017

Arkansas Department of Environmental Quality
Permits Branch, Office of Water Quality
5301 Northshore Drive
North Little Rock, AR 72118

Re: NPDES Permit AR0021903 Renewal
City of Wynne Wastewater Treatment Plant
Wynne, Arkansas

RECEIVED
SEP 28 2017
Kn 125

Dear Sirs:

Enclosed is one copy of the City of Wynne's NPDES renewal application for the Wastewater Treatment Plant. The renewal application includes the following: Form 1, PPS Form, EPA Form 2A, FEMA flood map, USGS topo map, a process schematic, summary calculations of the DMR and WET testing data submitted to the Department per the current permit, and the lab results for the PPS & Form 2A data.

Please contact me should you have any questions or comments.

Sincerely,
CRIST ENGINEERS, INC.

A handwritten signature in black ink, appearing to read "Chad Hastings", written over a horizontal line.

Chad A. Hastings, P.E.

Cc: Blake Marotti

**Arkansas Department of Environmental Quality
NPDES PERMIT APPLICATION
FORM 1**

INSTRUCTIONS:

1. This form should be **typed or printed in ink**. If insufficient space is available to address any item, please continue on an attached sheet of paper.
2. Please complete the following section(s). If a section is not required, please check the Not Applicable (N/A) box at the top of the section.

Sections	A	B	C	D	E	F	G	H	I
POTW	X	X	X	X					X
Industrial User	X	X	X	X	X	X	X		X
Construction Permit Only	X	X	*	X	X			X	X
Modification	X	X	X	X		*	*	X	X
All Other Applicants	X	X	X	X	X				X

* As necessary

3. If you need help on SIC or NAICS go to www.osha.gov/oshstats/sicser.html.
4. If you have any questions about this form you may call NPDES Section at 501-682-0623 or go to www.adeq.state.ar.us/water. You may also contact :

Department
Arkansas Department of Health

Information in Regard to
Water Supply

Telephone #
501-661-2623

5. The following EPA Forms in addition to Form 1 is required for processing your application:

Form 2A - Municipal Dischargers

Form 2B - Concentrated Animal Feeding Operations

Form 2C - Existing Manufacturing, Commercial, Mining, and Silvicultural Operations

Form 2D - New Sources and New Dischargers Application for Permit to Discharge Process Wastewater

Form 2E - Facilities Which Do Not Discharge Process Wastewater (i.e. Domestic, Non contact cooling water)

Form 2F - Application for Permit to Discharge Storm Water Discharges Associated With Industrial Activity

6. Where to Submit

Return the completed form by mail to:

Arkansas Department of Environmental Quality
Permits Branch, Office of Water Quality
5301 Northshore Drive
North Little Rock, AR 72118

Or by email to:

Water.Permit.Application@adeq.state.ar.us

NPDES PERMIT APPLICATION
FORM 1

ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF WATER QUALITY
5301 Northshore Drive
North Little Rock, AR 72118-5317
www.adeg.state.ar.us/water

PURPOSE OF THIS APPLICATION

- INITIAL PERMIT APPLICATION FOR NEW FACILITY
 INITIAL PERMIT APPLICATION FOR EXISTING FACILITY
 MODIFICATION OF EXISTING PERMIT
 REISSUANCE (RENEWAL) OF EXISTING PERMIT
 MODIFICATION AND CONSTRUCTION OF EXISTING PERMIT
 CONSTRUCTION PERMIT

SECTION A- GENERAL INFORMATION

1. Legal Applicant Name (who has ultimate decision making responsibility over the operation of a facility or activity):

City of Wynne, Arkansas

Note: The legal name of the applicant must be identical to the name listed with the Arkansas Secretary of State.

2. Operator Type: Private State Federal Partnership Corporation Other

State of Incorporation: _____

3. Facility Name: Wynne Wastewater Treatment Plant

4. Is the legal applicant identified in number 1 above, the owner of the facility? Yes No

5. NPDES Permit Number (If Applicable): AR0021903

6. NPDES General Permit Number (If Applicable): ARG

7. NPDES General Storm Water Permit Number (If Applicable): _____

8. Permit Numbers and/or names of any permits issued by ADEQ or EPA for an activity located in Arkansas that is presently held by the applicant or its parent or subsidiary corporation which are not listed above:

<u>Permit Name</u>	<u>Permit Number</u>	<u>Held by</u>
No Discharge Permit (Land Application of Biosolids)	5155-W	City of Wynne
No Exposure Exclusion	ARR000293	City of Wynne
Filter Backwash	ARG640162	City of Wynne

9. Give driving directions to the wastewater treatment plant with respect to known landmarks:

Approximately 1.5 miles west of Wynne along Hwy 284 to Bowden Road, thence south on Bowden Road about 0.25 miles

10. Facility Physical Location: (Attach a map with location marked; street, route no. or other specific identifier)

Street: 545 Bowden Road

City: Wynne

County: Cross

State: AR

Zip: 72396

11. Facility Mailing Address for permit, DMR, and invoice (Street or Post Office Box):

Name: Blake Marotti Title: General Manager
Street: 121 East Merriman Avenue P.O. Box _____
City: Wynne State: AR Zip: 72396
E-mail address*: wynnewater1@yahoo.com Fax: 870-238-2044

* Is emailing all documents (permit, letters, DMRs, invoices, etc.) acceptable to the applicant? Yes No

12. Neighboring States Within 20 Miles of the permitted facility (Check all that apply):

Oklahoma Missouri Tennessee Louisiana Texas Mississippi

13. Indicate applicable Standard Industrial Classification (SIC) Codes and NAICS codes for primary processes

4952 SIC Facility Activity under this SIC or NAICS:

NAICS _____

14. Design Flow: 6.65 MGD Highest Monthly Average of the last two years Flow: 1.53 MGD

15. Is the outfall equipped with a diffuser? Yes No

16. Responsible Official (as described on the last page of this application):

Name: Blake Marotti Title: General Manager
Address: 121 East Merriman Avenue Phone Number: 870-238-2751
E-mail Address: wynnewater1@yahoo.com
City: Wynne State: AR Zip: 72396

17. Cognizant Official (Duly Authorized Representative of responsible official as described on the last page of this application):

Name: Blake Marotti Title: General Manager
Address: 121 East Merriman Avenue Phone Number: 870-238-2751
E-mail Address: wynnewater1@yahoo.com
City: Wynne State: AR Zip: 72396

18. Name, address and telephone number of active consulting engineer firm (If none, so state):

Contact Name: Chad A. Hastings
Company Name: Crist Engineers, Inc.
Address: 205 Executive Court Phone Number: 501-664-1552
E-mail Address: chastings@crisengineers.com
City: Little Rock State: AR Zip: 72205

19. Wastewater Operator Information

Wastewater Operator Name: Don O'Neal License number: 001125
Class of municipal wastewater operator: I II III IV
Class of industrial wastewater operator: Basic Advanced

SECTION B: FACILITY AND OUTFALL INFORMATION

1. Facility Location (All information must be based on the **front door (gate)** location of the facility):

Lat: 35 ° 13 ' 8.81 " Long: 90 ° 49 ' 41.25 " County: Cross Nearest Town: Wynne

2. **Outfall** Location (The location of the end of the pipe discharge point.):

Outfall No. 001:

Latitude: 35 ° 13 ' 7 " Longitude: 90 ° 49 ' 52 "

Where is the collection point? At end of post aeration basin

Name of Receiving Stream (i.e. an unnamed tributary of Mill Creek, thence into Mill Creek; thence into Arkansas River):

Drainage ditch, thence to Caney Creek, thence to L'Anguille River in segment 5B of the St. Francis River Basin

Outfall No. _____:

Latitude: _____ ° _____ ' _____ " Longitude: _____ ° _____ ' _____ "

Where is the collection point? _____

Name of Receiving Stream (i.e. an unnamed tributary of Mill Creek, thence into Mill Creek; thence into Arkansas River):

3. **Monitoring** Location (If the monitoring is conducted at a location different than the above **Outfall** location):

Outfall No. _____:

Lat: _____ ° _____ ' _____ " Long: _____ ° _____ ' _____ "

Outfall No. _____:

Lat: _____ ° _____ ' _____ " Long: _____ ° _____ ' _____ "

Outfall No. _____:

Lat: _____ ° _____ ' _____ " Long: _____ ° _____ ' _____ "

4. Type of Treatment system (Include all components of the treatment system and attach the process flow diagram):

Influent pumping, coarse screening, grit removal, aeration, clarification, UV disinfection, flow measurement, post aeration, outfall

5. Do you have, or plan to have, **AUTOMATIC** sampling equipment or **CONTINUOUS** wastewater flow metering equipment at this facility?

Current:	Flow Metering	<input checked="" type="checkbox"/>	Yes	Type: <u>Flume</u>	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
	Sampling Equipment	<input checked="" type="checkbox"/>	Yes	Type: <u>ISCO</u>	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Planned:	Flow Metering	<input type="checkbox"/>	Yes	Type: _____	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
	Sampling Equipment	<input type="checkbox"/>	Yes	Type: _____	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>

If **YES**, please indicate the present or future location of this equipment on the sewer schematic and describe the equipment below:

Parshall flume located after UV disinfection - Existing equipment

ISCO composite sampler taken from the end of the contact basin - Existing equipment

If **NO**, please describe the method and location of flow measurement below:

6. Is the proposed or existing facility located above the 100-year flood level? Yes No

NOTE: FEMA Map must be included with this application. Maps can be ordered at www.fema.gov.

If "No", what measures are (or will be) used to protect the facility? _____

7. Population for Municipal and Domestic Sewer Systems: 8,078

8. Backup Power Generation for Treatment Plants

Are there any permanent backup generators? Yes No

If Yes, How many? 1 Total Horsepower (hp)? 300 KW

If No, Please explain? _____

SECTION C – WASTE STORAGE AND DISPOSAL INFORMATION

1. Sludge Disposal Method (Check as many as are applicable):

Landfill

Landfill Site Name _____ ADEQ Solid Waste Permit No. _____

Land Application: ADEQ State Permit No. 5155-W

Septic tank Arkansas Department of Health Permit No.: _____

Distribution and Marketing: Facility receiving sludge:

Name: _____ Address: _____

City: _____ State: _____ Zip: _____ Phone: _____

Rail: _____ Pipe: _____ Other: _____

Subsurface Disposal (Lagooning):

Location of lagoon _____ How old is the lagoon? _____

Surface area of lagoon: _____ Acre Depth: _____ ft Does lagoon have a liner? Yes No

Incineration: Location of incinerator _____

Remains in Treatment Lagoon(s):

How old is the lagoon(s)? _____ Has sludge depth been measured? Yes No

If Yes, Date measured? _____ Sludge Depth? _____ ft If No, When will it be measured? _____

Has sludge ever been removed? Yes No If Yes, When was it removed? _____

Other (Provide complete description): _____

SECTION D - WATER SUPPLY

Water Sources (check as many as are applicable):

Private Well - Distance from Discharge point: Within 5 miles Within 50 miles

Municipal Water Utility (Specify City): Wynne

Distance from Discharge point: Within 5 miles Within 50 miles

Surface Water- Name of Surface Water Source: _____

Distance from Discharge point: Within 5 miles Within 50 miles

Lat: _____ ° _____ ' _____ " Long: _____ ° _____ ' _____ "

Other (Specify): _____

Distance from Discharge point: Within 5 miles Within 50 miles

SECTION E: FINANCIAL ASSURANCE AND DISCLOSURE STATEMENT

1. Arkansas Code Annotated § 8-4-203 provides for financial assurance requirements for permitting non-municipal domestic sewage treatment systems. Arkansas Code 8-4-203 (b)(1)(A)(i) – “The department shall not issue, modify, or renew a National Pollutant Discharge Elimination System permit or state permit for a non-municipal domestic sewage treatment works without the permit applicant first demonstrating to the department its financial ability to cover the estimated costs of operating and maintaining the non-municipal domestic sewage treatment works for a minimum period of five (5) years.”

The applicant must provide a detailed estimate of the operation and maintenance (O&M) costs for the facility for a five year period. Once the O&M estimate is approved, the applicant must provide financial assurance in order to show that the facility is able to cover the costs of operating and maintaining the treatment system for the next five years.

The minimal financial assurance may be demonstrated to the department by using the following as outlined in Arkansas Code 8-4-203(b)(2):

- A. Obtaining insurance that specifically covers operation and maintenance costs
 - B. Obtaining a letter of credit;
 - C. Obtaining a surety/performance bond;
 - D. Obtaining a trust fund or an escrow account; or
 - E. Using a combination of insurance, letter of credit, surety bond, trust fund, or escrow account.
2. Disclosure Statement:

Arkansas Code Annotated Section 8-1-106 requires that all applicants for any type of permit or transfer of any permit, license, certification or operational authority issued by the Arkansas Department of Environmental Quality (ADEQ) file a Disclosure Statement with their application. The filing of a Disclosure Statement is mandatory. No application can be considered administratively complete without a completed Disclosure Statement. The form may be obtained from the ADEQ web site at:

https://www.adeg.state.ar.us/ADEQ_Disclosure_Statement.pdf

NOT APPLICABLE (N/A):

SECTION F – INDUSTRIAL ACTIVITY

1. Does an effluent guideline limitation promulgated by EPA ([Link to a Listing of the 40 CFR Effluent Limit Guidelines](#)) under Section 304 of the Clean Water Act (CWA) apply to your facility?

YES (Answer questions 2 and 3) NO

2. What Part of 40 CFR? _____

3. What Subpart(s)? _____

4. Give a brief description of all operations at this facility including primary products or services (attach additional sheets if necessary):

5. Production: (projected for new facilities)

Product(s) Manufactured (Brand name)	Last 12 Months		Highest Production Year of Last 5 Years	
	lbs/day*		lbs/day*	
	Highest Month	Days of Operation	Monthly Average	Days of Operation

* These units could be off-lbs, lbs quenched, lbs cleaned/etched/rinsed, lbs poured, lbs extruded, etc.

NOT APPLICABLE (N/A):

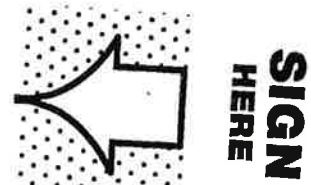
SECTION H -TECHNICAL INFORMATION

Technical information to support this application shall be furnished in appropriate detail to understand the project. Information in this Part is required for obtaining a **construction permit** or for **modification** of the treatment system.

1. Describe the treatment system. Include the types of control equipment to be installed along with their methods of operation and control efficiency.

2. One set of construction plans and specifications, approved (Signed and stamped) by a **Professional Engineer (PE)** registered in **Arkansas**, must be submitted as follows:
 - a. The plans must show flow rates in addition to pertinent dimensions so that detention times, overflow rates, and loadings per acre, etc. can be calculated.
 - b. Specifications and complete design calculations.
 - c. All treated wastewater discharges should have a flow measuring device such as a weir or Parshall flume installed. Where there is a significant difference between the flow rates of the raw and treated wastewater, a flow measuring device should be provided both before and after treatment.
3. If this application includes a construction permit disturbing five or more acres, a storm water construction permit must be obtained by submitting a notice of intent (NOI) to ADEQ.

SECTION I: SIGNATORY REQUIREMENTS



Cognizant Official (Duly Authorized Representative)

40 CFR 122.22(b) states that all reports required by the permit, or other information requested by the Director, shall be signed by the applicant (or person authorized by the applicant) or by a duly authorized representative of that person. A person is a duly authorized representative only if:

- (1) the authorization is made in writing by the applicant (or person authorized by the applicant);
- (2) the authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity responsibility, or an individual or position having overall responsibility for environmental matters for the company.

The applicant hereby designates the following person as a Cognizant Official, or duly authorized representative, for signing reports, etc., including Discharge Monitoring Reports (DMR) required by the permit, and other information requested by the Director:

Signature of Cognizant Official: Blake Marotti Date: 09/28/2017

Printed name of Cognizant Official: Blake Marotti

Official title of Cognizant Official: General Manager Telephone Number: 870-238-2751

Responsible Official

The information contained in this form must be certified by a responsible official as defined in the "signatory requirements for permit applications" (40 CFR 122.22).

Responsible official is defined as follows:

Corporation, a principal officer of at least the level of vice president

Partnership, a general partner

Sole proprietorship: the proprietor

Municipal, state, federal, or other public facility: principal executive officer, or ranking elected official.

____ (Initial) "I certify that the cognizant official designated above is qualified to act as a duly authorized representative under the provisions of 40 CFR 122.22(b)." NOTE: If no duly authorized representative is designated in this section, the Department considers the applicant to be the responsible official for the facility and only reports, etc., signed by the applicant will be accepted by the Department.

____ (Initial) "I certify that, if this facility is a corporation, it is registered with the Secretary of State in Arkansas. Please provide the full name of the corporation if different than that listed in Section A above."

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations. I further certify under penalty of law that all analyses reported as less than detectable in this application or attachments thereto were performed using the EPA approved test method having the lowest detection limit for the substance tested."

Signature of Responsible Official: Blake Marotti Date: 09/28/2017

Printed name of Responsible Official: Blake Marotti

Official title of Responsible Official: General Manager Telephone Number: 870-238-2751



Case Title
City of Wynne

*Case Type
CAO - Consent Administrative Order

Case Sub Type

*Start Date
11/01/2017

*Case Administrator
Danielle Harbin

Tracking # 8403
LIS #: 18-010
Amend. #

Get Case

View PDF

- *Impacted Media
- Air
 - Asbestos
 - Haz Waste
 - Legal
 - Mining
 - RST
 - Solid Waste
 - Technical Services
 - Water

Impacted Media Contacts [Edit](#)

Type	Media	Administrator

Costs

Penalty:	\$1,000.00
Paid:	\$1,000.00
Due:	\$0.00
Abated:	\$0.00
SEP:	\$0.00
Legal:	\$0.00
Other:	\$0.00

Case Status
Open

Add

Attorney
Stacie Wassell

Delete Case

Reset

Close Case

Exit

- Sites/Occurrences
- Comp/Insp
- Tasks
- Contacts (AFIN)
- Contacts (Case)
- Costs
- Dates
- Notes
- Case Route Tracking
- Fayetteville Shale
- History

Penalties and Payment Schedule Payments SEPs

Type	Check Number	Amount	Date
Check	20856	1000.00	03/22/2018

Amount Not Applied

Comments

Payments on Case

Type	Amount	Date Received	Check Number
CHECK	\$1,000.00	3/22/2018	20856

Remaining Payments Due

X	Date Due	Amt Due

Total Paid \$1,000.00