



November 15, 2019

**CERTIFIED NUMBER 9489 0090 0027 6060 6307 88
RETURN RECEIPT REQUESTED**

Honorable Marco McClendon, Mayor
City of West Memphis, West Memphis Utilities Commission
P.O. Box 1868
West Memphis, AR 72301

**RE: NPDES Permit Number AR0022039, AFIN 18-00879
PROPOSED CONSENT ADMINISTRATIVE ORDER**

Dear Mayor McClendon:

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 502 South Loop, in West Memphis, Arkansas. The Arkansas 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 \$8,000.00 is proposed by DEQ to settle the violations outlined in this CAO. If you choose to accept the terms of the CAO, 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 CAO and authorizes the Mayor and Clerk/Treasurer to sign the CAO on behalf of West Memphis must also be submitted. Subsequently, the Director 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.



A R K A N S A S
Department of Environmental Quality

Failure to contact the DEQ's Office of Water Quality, Enforcement Branch in response to this CAO within **twenty (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, or schedule a meeting, you may contact me at (501) 682-0056, or you may e-mail Danielle.harbin@adeq.state.ar.us.

Sincerely,

A handwritten signature in cursive script that reads "Danielle Harbin".

Danielle Harbin
Enforcement Analyst
Office of Water Quality, Enforcement Branch