

January 29, 2020

CERTIFIED MAIL: 9489 0090 0027 6060 6523 15

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:

On November 15, 2019, the Division of Environmental Quality (DEQ) issued a proposed Consent Administrative Order (CAO) to West Memphis Utilities Commission with an assessed civil penalty of \$8,000.00. On December 5, 2019, West Memphis Utilities Commission requested a deadline extension for the completion of the WWTF Recommended Hydraulic Improvement Report and the assessed civil penalty be reduced to \$2,000.00. After careful consideration, DEQ is willing to settle for a civil penalty of \$4,000.00.

Enclosed is a copy of the revised CAO in this matter. If you choose to accept the terms of the CAO, with the reduced penalty of \$4,000.00, please sign, date, and **return the original, embossed copy** to the address below **within (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 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.

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) 682-0056, or you may e-mail Danielle.harbin@adeq.state.ar.us.

Sincerely,



Danielle Harbin
Enforcement Analyst
Office of Water Quality, Enforcement Branch

Cc: Todd Pedersen, General Manager, tpedersen@citywm.com
Tim Verner, P.E., Fisher and Arnold, tverner@fisherarnold.com

Division of Environmental Quality

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