

## Lawrence, Myrl

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**From:** Lawrence, Myrl  
**Sent:** Tuesday, July 7, 2020 11:14 AM  
**To:** 'mayorsanders@sbcglobal.net'  
**Cc:** 'Gary Carr'; 'bwingfield@pmico.com'; Healey, Richard; Allen-Daniel, Leslie  
**Subject:** Proposed CAO Blytheville  
**Attachments:** AR0022578-AR0022560\_Combined\_Proposed CAO Blytheville\_Final\_20200707.pdf  
**Importance:** High



July 7, 2020

**RETURN RECEIPT REQUESTED**

Honorable James Sanders  
City of Blytheville, Mayor  
PO Box 1784  
Blytheville, AR 72316

**RE: NPDES Permit Number AR0022578 AFIN 47-00926, AR0022560 AFIN 47-00544  
PROPOSED CONSENT ADMINISTRATIVE ORDER**

Dear Mayor Sanders:

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 sites located at 4001 North County Road 647 otherwise known as South Mississippi Ave, and 4952 North County Road 635, in Blytheville, Arkansas. The Division of Environmental Quality (DEQ) has determined that this CAO is necessary to ensure compliance with the Act.

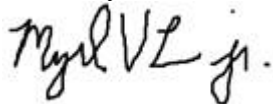
The enclosed CAO enumerates the violations in the “Findings of Fact” section, and outlines the steps required to achieve compliance in the “Order and Agreement” section of the CAO. Additionally, a civil penalty in the amount of \$24,500.00 is proposed by DEQ to settle the violations outlined in this CAO. DEQ proposes to accept a payment of \$6,500.00 and suspend \$18,000.00 of the penalty amount pending completion of the requirements of the CAO. If the CAO requirements are satisfactorily met, then DEQ proposes to dismiss the remaining \$18,000.00 of the penalty upon closure of the 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 the city of Blytheville 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.

Failure to contact 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) 682-0699, or you may e-mail [myrl.lawrence@adeq.state.ar.us](mailto:myrl.lawrence@adeq.state.ar.us).

Sincerely,



Myrl V Lawrence Jr  
Enforcement Analyst  
Office of Water Quality



**ARKANSAS**  
ENERGY & ENVIRONMENT