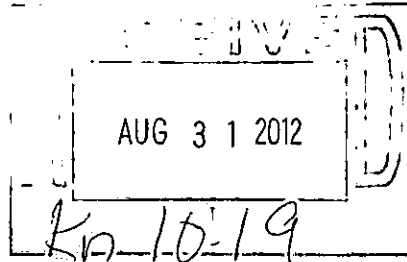


Consent Administrative Order



Plan and Approval

**City of Bryant Polishing Pond
Closure**

Progress Reports

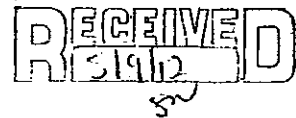
Final Closure Letter

08/29/2012

Photos



ARKANSAS
Department of Environmental Quality



May 7, 2012

The Honorable Jill Dabbs, Mayor
City of Bryant
210 Southwest 3rd Street
Bryant, AR 72022

**RE: NPDES Permit Number AR0034002, AFIN 63-00065,
Supplement to Consent Administrative Order LIS 06-062**

Dear Mayor Dabbs:

Enclosed is your signed copy of the Supplement to Consent Administrative Order LIS 06-062. The Director signed the Order on May 3, 2012. The Supplement to CAO LIS 06-062 must now be sent for Public Notice. The next scheduled date for ADEQ to send items to Public Notice will be May 10, 2012. The effective date of the Order will be thirty days after Public Notice is formally given. This means the effective date of the Supplement to CAO LIS 06-062 will be June 10, 2012.

The important dates to remember are as follows:

- The Respondent shall decommission and fully close the former polishing pond no later than August 31, 2012. (Paragraph 2b in the Supplemented Order and Agreement.)
- The Respondent shall notify ADEQ not less than five (5) working days prior to the date that Respondent commences decommissioning and closure activities. (Paragraph 2c in the Supplemented Order and Agreement.)
- The Respondent shall submit a monthly written report to ADEQ no later than the 15th day of each month identifying the progress made in decommissioning and closing of the former polishing pond. (Paragraph 2c in the Supplemented Order and Agreement.)
- The Respondent shall notify ADEQ in writing when closure and decommissioning activities are complete, but not later than August 31, 2012. (Paragraph 2d in the Supplemented Order and Agreement.)
- The Respondent shall prepare and submit a revised operating procedure that manages the facility's waste flow and stormwater inflows to avoid and prevent bypasses at the facility. These procedures shall be prepared and submitted no later than August 30, 2012 to ADEQ for review and approval purposes. (Paragraph 3 in the Supplemented Order and Agreement.)

- The Two Thousand Five Hundred Dollar (\$2,500.00) civil penalty has already been paid; therefore, this requirement has been met.

Thank you for your attention to this matter. Should you have any questions, feel free to contact me at 501-682-0630 or you may e-mail me at stout@adeq.state.ar.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Marilyn Stout", with a long horizontal flourish extending to the right.

Marilyn Stout
Enforcement Coordinator
Water Division Enforcement Branch

ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

**City of Bryant
210 Southwest 3rd Street
Bryant, AR 72022**

**LIS NO. 06-062
PERMIT NO. AR0034002
AFIN 63-00065**

**City of Bryant –
Wastewater Treatment Plant
1019 Southwest 2nd Street
Bryant AR 72022**

**SUPPLEMENT TO CONSENT ADMINISTRATIVE ORDER
DATED APRIL 28, 2006**

This Supplement to the Consent Administrative Order dated April 28, 2009 (hereinafter “Order”) is issued pursuant to the authority of the Arkansas Water and Air Pollution Control 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 (hereinafter “APC&EC”).

The issues herein having been settled by the agreement of the City of Bryant (hereinafter “Respondent”) and the Arkansas Department of Environmental Quality (hereinafter “ADEQ” or “Department”), it is hereby agreed and stipulated that the following FINDINGS OF FACT and ORDER AND AGREEMENT be entered and shall supplement the Consent Administrative Order dated April 28, 2006.

FINDINGS OF FACT

1. Respondent and ADEQ entered into a Consent Administrative Order on April 28, 2006 which is attached and referred to as Exhibit "A".
2. Respondent owns and operates a wastewater treatment facility (hereinafter "facility") located at 1019 Southwest 2nd Street, Bryant, Saline County, Arkansas 72021 pursuant to the National Pollutant Discharge Elimination System permit number AR0034002 (hereinafter "Permit").
3. On October 22, 2009, Respondent cut a trench in the levee of the former polishing pond to lower its level and increase its capacity.
4. On October 28, 2009, ADEQ Water Inspectors conducted a compliance inspection for the facility in response to citizen odor complaints and confirmed that Respondents had cut a trench in the levee of the former polishing pond and had discharged from the trench.
5. By cutting a trench in the levee to the former polishing pond, Respondent constructed a new discharge outlet from the former polishing pond.
6. The polishing pond was used by Respondent in its previously permitted treatment process.
7. Although the polishing pond is no longer used by Respondent in its current treatment process, Respondent has not removed all sludge from the polishing pond, nor has Respondent closed the polishing pond.
8. The contents of the former polishing pond are a pollutant because stormwater flowing into the polishing pond contacts the sewer sludge that Respondent has not removed from the polishing pond.

9. By cutting a trench in the levee of the former polishing pond on October 22, 2009, Respondent caused a pollutant to discharge and flow into an unnamed tributary of Hurricane Creek.

10. Respondent discharged from the trench in the levee of the former polishing pond from October 22, 2009 until October 26, 2009.

11. The Respondent did not have a written permit from ADEQ to either construct or use a new outlet to discharge from the former polishing pond in violation for Ark. Code Ann. § 8-4-217 which provides:

(b)(1) It shall be unlawful for any person to engage in any of the following acts without having first obtained a written permit from the department:

...
(D) To construct or use any new outlet for the discharge of any wastes into the waters of this state[.]

12. The Respondent did not have a written permit from ADEQ to discharge wastes from the former polishing pond into waters of the unnamed tributary of Hurricane Creek during the time period beginning October 22, 2009 and ending October 26, 2009 in violation of Ark. Code Ann. § 8-4-217 which provides:

(b)(1) It shall be unlawful for any person to engage in any of the following acts without having first obtained a written permit from the department:

...
(E) To discharge sewage, industrial wastes, or other wastes into any waters of the state.

13. Ark. Code Ann. § 8-4-103(c)(1)(A) provides: "Any person that violates any provision of . . . rules [or] . . . permits . . . may be assessed an administrative penalty not to exceed ten thousand dollars (\$10,000) per violation."

14. Ark. Code Ann. § 8-4-103 (c)(1)(B) provides: "Each day of a continuing violation may be deemed a separate violation for purposes of penalty assessment."

SUPPLEMENTED ORDER AND AGREEMENT

Therefore, the parties stipulate and agree to the following terms and conditions that supplement the April 28, 2006 Consent Administrative Order:

1. This Order is a supplement to the Consent Administrative Order dated April 28, 2006 and does not replace it. The terms and conditions appearing in the April 28, 2006 Consent Administrative Order are unchanged and remain in full force and effect.

2. With regards to the former polishing pond:

a. The Respondent has submitted a closure plan for the former polishing pond to ADEQ for review and approval;

b. The Respondent shall decommission and fully close the former polishing pond no later than August 31, 2012. The Respondent shall comply with all aspects of applicable law for closure purposes including but not limited to sludge testing and disposal. The Respondent may complete such activities utilizing its personnel and equipment;

c. The Respondent shall notify ADEQ not less than five (5) working days prior to the date that Respondent commences decommissioning and closure activities. Thereafter, Respondent shall submit a monthly written report to ADEQ no later than the 15th day of each month thereafter that identifies the progress made in decommissioning and closing of the former polishing pond;

d. The Respondent shall notify ADEQ in writing when closure and decommissioning activities are complete;

e. Until the former polishing pond is formally closed, it shall not be used for any purpose by the Respondent unless approved in writing by ADEQ; and

f. Effective immediately, the Respondent shall transfer effluent from the former polishing pond into the waste treatment process of the facility. The Respondent shall take necessary precautions to keep the former polishing pond from overflowing. The Respondent shall maintain adequate freeboard to prevent the former polishing pond from overflowing.

3. The Respondent shall prepare and submit revised operating procedures for the facility to ADEQ that manages the facility's waste flow and stormwater inflows to avoid and prevent bypasses at the facility. Such procedures shall be prepared and submitted no later than August 30, 2012 to ADEQ for review and approval purposes.

4. In compromise and full settlement of the civil penalties for violations specified in the Findings of Fact, the Respondent agrees to pay to ADEQ the total sum of **Two Thousand Five Hundred Dollars (\$2,500.00)** as a voluntary civil penalty. 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

5. Failure to meet any requirement or deadline of this Order constitutes a violation of said Order. If the 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 through Thirty days: | \$500.00 per day |
| c) | Each day beyond Thirty days: | \$1,000.00 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 the Respondent to comply with the requirements of this Order.

6. 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 the Respondent with the requirements or deadlines of this Order, the 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.

7. ADEQ may grant an extension of any provision of this Order, provided that the 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 the 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 the Respondent and the length of the delay attributable to such circumstances shall rest with the 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.

8. This Order is subject to public review and comment in accordance with Ark. Code Ann. § 8-4-103(d) and APCEC 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 APCEC 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.

9. 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 the Respondent from any past, present, or future conduct which is not expressly addressed herein, nor does it relieve the Respondent of its responsibilities for obtaining any necessary permits.

10. This Order has been reviewed and approved by the City Council of the Respondent in a duly convened meeting with a quorum present.

11. The City Council of the Respondent has authorized the Mayor and City Clerk/Treasurer to sign this Order on the behalf of the Respondent.

12. The City Council of the 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 a civil penalty in the amount of **Two Thousand Five Hundred Dollars (\$2,500.00)**.

13. The parties withdraw any requests for rulings on its Motions in APC&EC Docket No. 11-008-NOV. Pursuant to APC&EC Reg.8.615, the Request for Hearing filed in this matter

is hereby withdrawn and this docket shall without further commission action, cause this docket to be immediately closed.

SO ORDERED THIS 3rd DAY OF May, 2012.


TERESA MARKS, DIRECTOR


APPROVED AS TO FORM AND CONTENT:

CITY OF BRYANT

BY: 
(Signature of Bryant Mayor Jill Dabbs)

Jill Dabbs
(Typed or printed name)

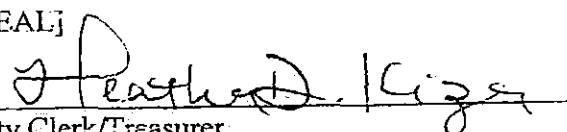
DATE: April 30, 2012

BY: 
(Signature of Bryant City Clerk/Treasurer)

Heather Kizer
(Typed or printed name)

DATE: April 30, 2012

ATTEST:

[SEAL]

City Clerk/Treasurer

ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

CITY OF BRYANT
SALINE COUNTY

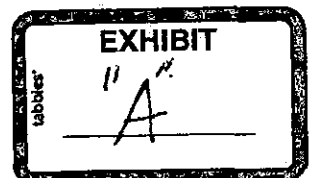
LIS NO. 06-062
AFIN 63-00065

CONSENT ADMINISTRATIVE ORDER

This Consent Administrative Order (hereinafter "Order") is issued pursuant to the authority of the Arkansas Water and Air Pollution Control Act (Act 472 of 1949, as amended; Ark. Code Ann. §8-4-101 et seq.) and the regulations issued thereunder (hereinafter collectively referred to as "the Act").

Pursuant to the authority of Ark. Code Ann. §8-4-207(1)(B), the Director for the Arkansas Department of Environmental Quality (hereinafter ADEQ) is authorized to set schedules of *compliance for facilities permitted under the Act* necessary to assure compliance with both applicable state and federal effluent limitations, including, but not limited to, those mandated by the National Pollutant Discharge Elimination System Program (hereinafter "NPDES") under section 402 of the Federal Water Pollution Control Act, 33 U.S.C. 1342 as well as under sections 301, 318, and 405 of the Federal Water Pollution Control Act, 33 U.S.C. 1311, 33 U.S.C. 1328 and 33 U.S.C. 1345; and Arkansas Pollution Control and Ecology Commission Regulations 2, 6, 7 & 8.

Page 1 of 8



The issues herein having been settled by the agreement of the City of Bryant (hereinafter the "Permittee") and ADEQ, it is hereby agreed and stipulated that the following **FINDINGS OF FACT** and **ORDER AND AGREEMENT** be entered herein.

FINDINGS OF FACT

1. The City of Bryant is located in Saline County. The Permittee operates a wastewater treatment facility pursuant to National Pollutant Discharge Elimination System (NPDES) permit number AR0034002 (hereinafter "the permit").
2. On October 31, 2005, the Department performed a sanitary sewer overflow (SSO) inspection in the City of Bryant in response to a complaint. The inspection revealed an overflow had occurred at a manhole located at pump station #5 and the overflow to Crooked Creek resulted in a fish kill downstream from the overflow. Additionally, the inspector noted that a notch had been cut in the manhole ring to facilitate an unpermitted discharge at this location. The cutting of the notch in the manhole ring constitutes the construction of an outlet to discharge waste to the waters of the state in violation of A.C.A. § 8-4-217(b)(1)(D). The permittee reported this overflow as required by the permit, but the report indicated there was not observed environmental impact from this overflow. The overflow is a violation of the Arkansas Water and Air Pollution Control Act, A.C.A. § 8-4-217(a)(1) and A.C.A. § 8-4-217(b)(1)(E).
3. The Permittee submitted a response to the October 31, 2005 inspection in a letter dated November 7, 2005. The response indicated the manhole lid and ring were replaced; that at the time of the overflow they didn't observe any environmental damage; and they had used a vacuum truck to assist in cleaning up Crooked Creek.

4. On November 14, 2005, the Department conducted a routine compliance inspection of the treatment facility. The inspection revealed solids were passing through the treatment system and accumulating in the receiving stream. This is a violation of the narrative standard in Part I, Section A of the permit which states, "there shall be no discharge of distinctly visible solids, scum or foam of a persistent nature, nor shall there be any formation of slime, bottom deposits or sludge banks."

5. The Permittee responded to the November 14, 2005 inspection in a letter dated December 5, 2005. The response indicated the City was working with the Corps of Engineers due to 404 issues to remove the accumulated sludge in the stream. In addition, the City will be using chemicals to improve settling and has awarded a contract to expand the treatment facility. The City indicated the cause of the solids in the receiving stream is due to wash-out caused by peak loads. In addition, the City's response included a procedure for the operation of the treatment plant during these conditions.

6. In the past three years, the Permittee has had numerous sanitary sewer overflows which have been reported as required by the Permit. A review of the SSO reports reveals a significant number of dry weather related overflows as well as overflows caused by inflow and infiltration. Sanitary sewer overflows are unpermitted discharges which are a violation of A.C.A. 217 (a) (2). A complete list of the sanitary sewer overflows is attached to this Order.

ORDER AND AGREEMENT

Therefore, the parties do hereby stipulate and agree that:

1. Within thirty (30) days of the effective date of this Order, the Permittee shall submit to ADEQ, a comprehensive Corrective Action Plan which shall detail the steps the

Permittee shall take to eliminate sanitary sewer overflows. This plan shall at a minimum include the following items:

- a. The Permittee shall complete a comprehensive collection system evaluation within one (1) year of the effective date of this order. This comprehensive collection system evaluation shall identify all wastewater mains and pumping stations that cannot carry peak hydraulic loads caused by inflow and infiltration. The evaluation shall also identify all pumping stations that do not have auxiliary power or sufficient storage as required by Part II, Section B, paragraph 7 and shall identify all pumping stations that do not have direct notification alarms.
 - b. The Permittee shall submit to the Department within fifteen (15) months of the effective date of this order a milestone schedule for the replacement and/or repair of all wastewater mains and pumping stations that cannot convey peak hydraulic loads as identified by the comprehensive collection system evaluation required in paragraph 1 a of this section. This milestone schedule shall include dates for the installation of direct notification alarms and auxiliary power or storage capacity at deficient pumping stations identified during the collection system evaluation. Upon approval by ADEQ, the submitted milestone schedule shall be incorporated into this Order by reference and shall be followed by the Permittee. Failure to comply with the schedule, as approved by ADEQ, shall be subject to the stipulated penalties contained in paragraph 7 below.
2. Within ninety (90) days of the effective date of the CAO, the Permittee will establish and implement an overflow response plan which shall:

- a. Identify the individual(s) responsible for making the appropriate reports (24-hour notification and monthly tabular reports) to the Department,
 - b. Ensure that collection system overflows are identified and responded to in a timely manner,
 - c. Establish written procedures for cleaning up after sanitary sewer overflows,
 - d. Have provisions to notify the affected public of overflows in parks and other public areas where access is not restricted and a reasonable potential exists for exposure to bacteria and other disease causing agents, and
 - e. Have provisions to notify any affected permit holders including municipal separate stormwater sewer permit (MS4) holders.
3. Within one (1) year the Permittee shall establish and maintain a minimum inventory of spare parts necessary to make immediate repairs to the pump stations, wastewater lines, and manholes. The Permittee will submit this inventory list to the Department upon completion of the inventory.
4. The Permittee shall at least every two (2) years reevaluate the wastewater collection system and make whatever changes are necessary to the corrective action plan and construction projects to ensure the Permittee meets the goal of elimination of collection system overflows.
5. In compromise and full settlement of the civil penalties for violations (specified in the Findings of Fact), the Permittee agrees to pay to ADEQ the total sum of Three Thousand Eight Hundred Dollars (\$3800) as a voluntary civil penalty. Payment of the penalty shall be made within thirty (30) days of the effective date of this Order, made payable to the Arkansas Department of Environmental Quality and mailed to the attention of:

The Fiscal Division,
Arkansas Department of Environmental Quality
P.O. Box 8913
Little Rock, Arkansas 72219-8913.

6. All submittals required by this Order are subject to approval by ADEQ. In the event of any deficiency, the Permittee shall within fifteen (15) days of notification by ADEQ submit any additional information requested. Failure to adequately respond to the notice of deficiency within fifteen (15) days constitutes a failure to meet a deadline and is subject to the civil penalties established in paragraph 7 below.

7. Failure to meet the requirements, effluent limits or construction deadlines of this Order or the approved schedules provided for herein constitutes a violation of said Order. If the Permittee should fail to meet any such requirements, effluent limits or deadlines, the Permittee consents and agrees to pay, on demand, to ADEQ civil penalties according to the following schedule:

(a) First day through the tenth day:	\$100.00 per day
(b) Eleventh day through the twentieth day:	\$200.00 per day
(c) Twenty-first day through thirtieth day:	\$300.00 per day
(d) Each day beyond the thirtieth day:	\$500.00 per day

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

8. 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 the Permittee with the requirements or deadlines of this Order, the Permittee 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 the Permittee's milestone schedule. 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.

9. ADEQ may grant an extension of any provision of this Order, provided that the Permittee 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 the Permittee. 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 the Permittee and the length of the delay attributable to such circumstances shall rest with the Permittee. Failure to notify the ADEQ promptly, as provided in paragraph 8 of this section, shall be grounds for a denial of an extension.

10. This Order is subject to public review and comment in accordance with A.C.A. §8-4-103 (d) and Arkansas Pollution Control and Ecology Commission Regulation No. 8 and shall not be final until thirty (30) 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 with the terms of the permit shall be taken immediately.

11. As provided by Arkansas Pollution Control and Ecology Commission 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.

12. 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 the Permittee from any past, present, or future conduct which is not expressly addressed herein, nor does it relieve the Permittee of its responsibilities for obtaining any necessary permits.

SO ORDERED THE 18th DAY OF April, 2006

Marcus C. Devine

Marcus C. Devine, Director

APPROVED AS TO FORM AND CONTENT:

BY: Paul E. Halley

(Signature)
PAUL E. HALLEY

(Typed or printed name)

TITLE: MAYOR, CITY OF BRYANT

(Typed or printed title)

DATE: 4-17-06

ADEQ

ARKANSAS
Department of Environmental Quality

June 6, 2012

Monty Ledbetter, Public Works Director
City of Bryant, Water Utilities
1017 Southwest Second Street
Bryant, AR 72022

RE: Revised closure plan for former polishing pond
NPDES Permit No. AR0034002; AFIN No.: 63-00065

Dear Mr. Ledbetter:

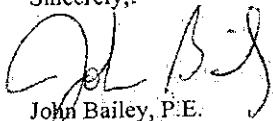
On May 18, 2012, the Department received the revised closure plan prepared by Crist Engineers for the former polishing pond. The revised closure plan states that the former polishing pond will be dewatered, and this water will be processed through the wastewater treatment plant. The plan states that once the pond has been dewatered, samples will be taken of the bottom and inside levees to determine the quantity of residual wastewater solids to be removed. The plan states that the residual wastewater solids will be removed and further dewatered on the sludge drying beds and disposed of at the Saline County landfill. In order to prevent the pond from filling with precipitation, the plan states that a cut will be installed in the levee and connected to a central drain with the pond bottom sloped toward the central drain to allow any precipitation falling within the confines of the levees to drain out of the pond. Finally, the plan states that vegetative cover will be established on all disturbed surfaces and that the drainage system is considered a temporary configuration since the next expansion of the wastewater plant will eventually be located on a portion of this pond area.

By this letter, the Department approves the revised closure plan and you are hereby authorized to begin closure of the former polishing pond. Within ten (10) days after all water is removed from the pond, a Professional Engineer (PE) registered in Arkansas shall submit written certification to the Department (Permits Branch of the Water Division) that the pond is not connected to any part of the wastewater collection system or wastewater treatment plant.

Please be advised that all water currently in the former polishing pond in addition to all future stormwater into this pond is required to be processed through the treatment plant and discharged through the permitted outfall until such time that all residual wastewater solids are removed from the pond bottom and inside of the levees. Any direct discharge of water from this pond to Waters of the State prior to all the residual wastewater solids being removed will be unlawful and subject to enforcement action.

If you have any questions concerning this letter, please contact me at 682-0629 or Shane Byrum of my staff at 682-0618.

Sincerely,



John Bailey, P.E.
Permit Branch Manager, Water Division

CC: Craig Uyeda, Enforcement Branch Manager
Gerald Hartley, Attorney Specialist

CLOSURE PLAN
for
FORMER POLISHING POND
(Revised)

WASTEWATER TREATMENT PLANT
BRYANT, ARKANSAS

May 17, 2012



17 May 12



CLOSURE PLAN
for
FORMER POLISHING POND
(Revised)
WASTEWATER TREATMENT PLANT
BRYANT, ARKANSAS

May 17, 2012

Introduction

City of Bryant's municipal wastewater system is operated and maintained by its Water and Sewer Committee through a Water and Sewer Department. The system includes a single wastewater treatment plant permitted for a design average flow rate of three million gallons per day. The character of Bryant's wastewater is that of a residential community with some commercial users but no significant industrial contributors. The Plant is operated under authority of NPDES Permit AR0034002. An aerial view of Plant facilities is included as Figure 1.

Prior to about 1998, the Plant included an equalization basin, bar screen, primary pump station, aerated lagoon with surface aerators, two polishing ponds, sand filters, chlorine contact chamber, and various support facilities.

During a 1998-2000 improvements project, the aerated lagoon was replaced by secondary biological treatment featuring first and second stage aeration, secondary clarifiers, and aerobic digestion. The sand filters were converted to drying beds, and one of the two polishing ponds was converted to waste sludge storage. At appropriate intervals, waste sludge is to be removed from the waste storage lagoon, air-dried, and disposed in the Saline County landfill. The Landfill is operated under Solid Waste Permit 261-SR-2.

The second polishing pond was no longer required for wastewater treatment but was reserved as the probable location for a future expansion of secondary treatment works; consequently, the second polishing pond has been dormant with respect to wastewater treatment for approximately 12 years. An aerial view of the pond is provided as Figure 2.

Bryant had intended to leave the dormant former polishing pond in its present unused condition for the near term until the land area was required for the next expansion of the Plant which is anticipated within the next five to seven years. However, owing to recent controversy over the existence of this pond in its present condition, Bryant has elected to initiate formal closure of this dormant former polishing pond according to the Department's waste storage pond closure guidelines. Bryant proposed to begin pond closure upon the Department's approval of this closure plan.

Closure Plan

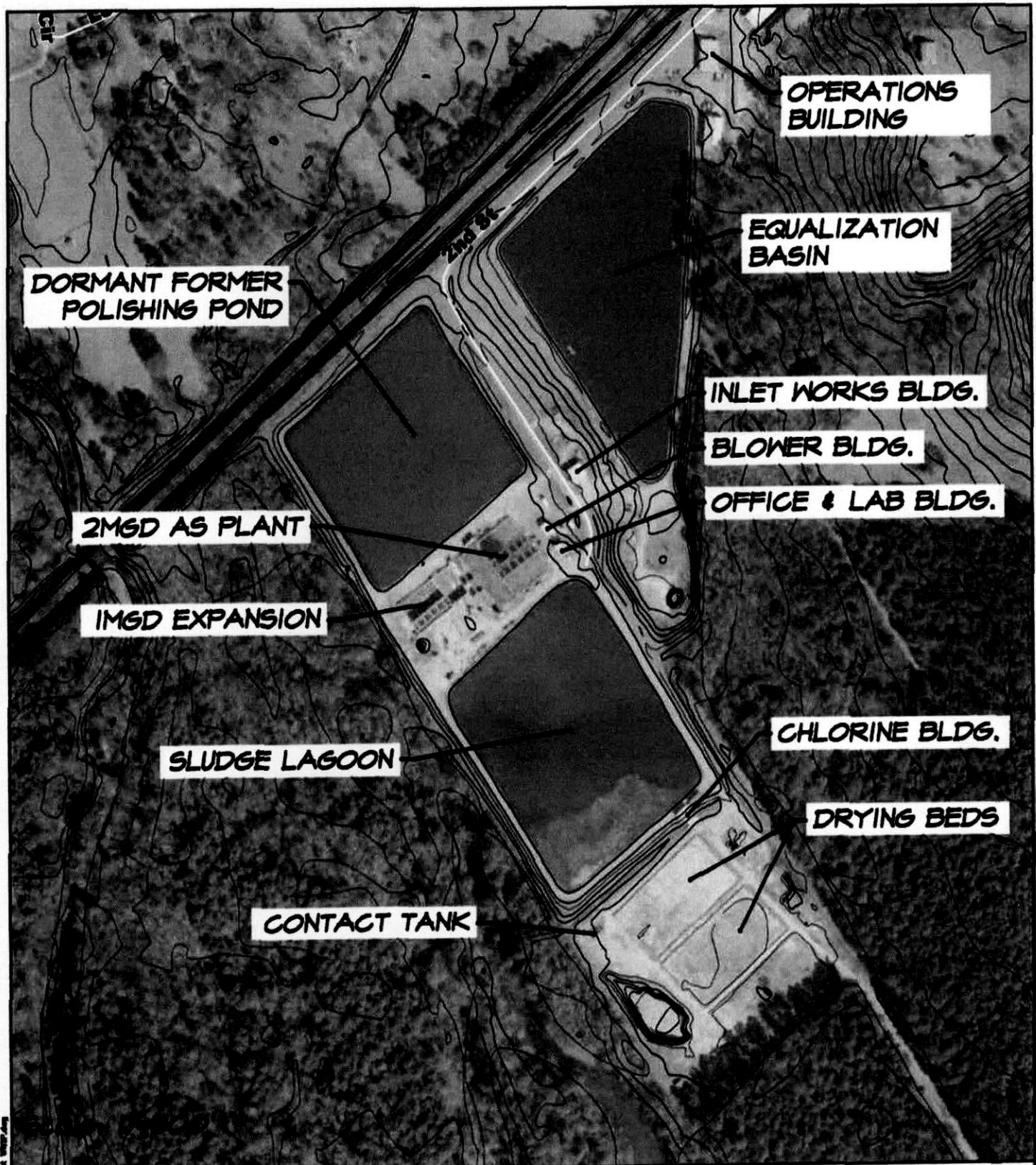
- A. Permittee name: City of Bryant
Bryant, Arkansas
- Type of permit: NPDES
- Permit number: AR0034002
- B. Facility location: 1019 Southwest Second Street
Bryant, Arkansas 72022
34 deg, 35 min, 33 sec
92 deg, 30 min, 15 sec
- Type of facility: municipal wastewater treatment plant
- County: Saline
- C. Structure to be closed: Dormant former polishing pond of a wastewater treatment plant. Pond is constructed of earthen levees and has a surface area of approximately 4.4 acres. Levee height ranges from about 4.5 to 5 feet. As of this writing, the pond contains about 3 feet of accumulated precipitation.

D. Contained waste: As a municipal wastewater treatment plant polishing pond, it is anticipated that this facility would have received few solids resulting in little long-term accumulation. Since its removal from service around 1998–2000, any accumulated solids should have experienced substantial decomposition and stabilization.

It is proposed to empty the pond by passing the current liquid contents through the nearby Bryant wastewater treatment plant. Once the pond interior has dewatered sufficiently to permit surface traffic, bottom samples will be taken to quantify the character of any wastewater solids present. The analytical results of these samples will determine the quantity of solids to be removed and disposed. For every inch of material removed from the bottom and inside levees of the pond, a volume of approximately 600 cubic yards could result.

E. Disposal method: Depending upon the results of bottom sample analyses, material will be removed from the surface of the pond interior and will be placed on nearby drying beds for further dewatering. Once the material has dewatered sufficiently, it will be disposed at the Saline County landfill.

F. Interim disposition: Once the pond bottom has dried sufficiently to support appropriate construction equipment and all bottom material required to be removed has been removed, a central drain will be constructed and the pond bottom will be sloped toward the central drain. A cut will be constructed where the central drain meets the levee to permit any precipitation falling within the confines of the levees to exit the pond to nearby surface drainage. Vegetative cover will be established on disturbed surfaces. This is considered as a temporary configuration as a portion of the pond area will eventually be used for construction of the next expansion of the Bryant wastewater treatment plant.



**WASTEWATER TREATMENT PLANT
BRYANT, ARKANSAS
FIGURE 1**

\\Crist\Projects\Bryant\1. Bryant WTP.dwg

BRYANT WATER UTILITIES

May 10, 2012

Arkansas Department of Environmental Quality
5301 Northshore Dr.
North Little Rock, AR 72118-5317
Attn. Water Division Enforcement Branch

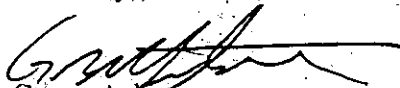
RE: AFIN 63-00065 Permit No: AR0034002

City of Bryant Wastewater
1019 SW 2nd St.
Bryant, AR 72022

This is a progress report requested by your office in the supplement to consent administrative order amended May 2012 in regards to the pond closure activities. In April 2012 a Pond Closure plan was submitted to your office for approval. On May 7, 2012 I contacted Miles Johnson, administrative analyst in the enforcement branch of the five day notice to commence pumping the water in the polishing pond into the treatment facility as capacity allows. Also on May 9, 2012 I sent an e-mail to Mr. Johnson requesting a meeting at our wastewater facility to discuss the pond closure plan.

We will continue to keep you informed of or progress on this matter. If you have any questions please feel free to contact our office at (501) 847-8083.

Sincerely,



Gregg Asher

Treatment Superintendent

BRYANT WATER UTILITIES

June 12, 2012

Arkansas Department of Environmental Quality
5301 Northshore Dr.
North Little Rock, AR 72118-5317
Attn. Water Division Enforcement Branch

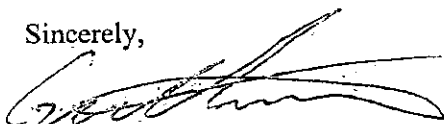
RE: AFIN 63-00065 Permit No: AR0034002

City of Bryant Wastewater
1019 SW 2nd St.
Bryant, AR 72022

This is a progress report requested by your office in the supplement to consent administrative order amended May 2012 in regards to the pond closure activities. On May 10, 2012 we were contacted by phone from Shane Byrum requesting a meeting in the offices of ADEQ because our pond closure plan had been rejected. On May 16, 2012 Monty Ledbetter, Public Works Director for the City of Bryant and Chris Madison, Attorney of Law for the City of Bryant met with members of your staff to discuss the pond closure plan. On May 18, 2012 a revised closure plan was received by your department and a letter dated June 6, 2012 was mailed to the City of Bryant stating that this plan had been approved. On May 24, 2012 we began to pump water from the storage lagoon into the waste treatment process. This continued for four days until the majority of the clear supernatant had been processed through the treatment facility. The discharge from the pump was then moved over to the sludge storage basin so the remaining concentrate of settled material in the polishing pond would settle in this basin and the supernatant would then flow to the head of the treatment facility. As of June 12, 2012 we are continuing to drain the former polishing pond.

We will continue to keep you informed of or progress on this matter. If you have any questions please feel free to contact our office at (501) 847-8083.

Sincerely,



Gregg Asher
Treatment Superintendent

**BRYANT
WATER UTILITIES**

July 3, 2012

Arkansas Department of Environmental Quality
5301 Northshore Dr.
North Little Rock, AR 72118-5317
Attn. Water Division Enforcement Branch

RE: AFIN 63-00065 Permit No: AR0034002

City of Bryant Wastewater
1019 SW 2nd St.
Bryant, AR 72022

This is a progress report requested by your office in the supplement to consent administrative order amended May 2012 in regards to the pond closure activities. As of July 2, 2012 we have dewatered the polishing pond. We have grid sectioned the area (see attached page 2) and collected a sample from each grid. These samples were mixed together and a representative sample has been sent to a contract lab for testing. At this time we are excavating the areas we believe have connections to the old treatment process to air gap and cap these lines to complete disconnection.

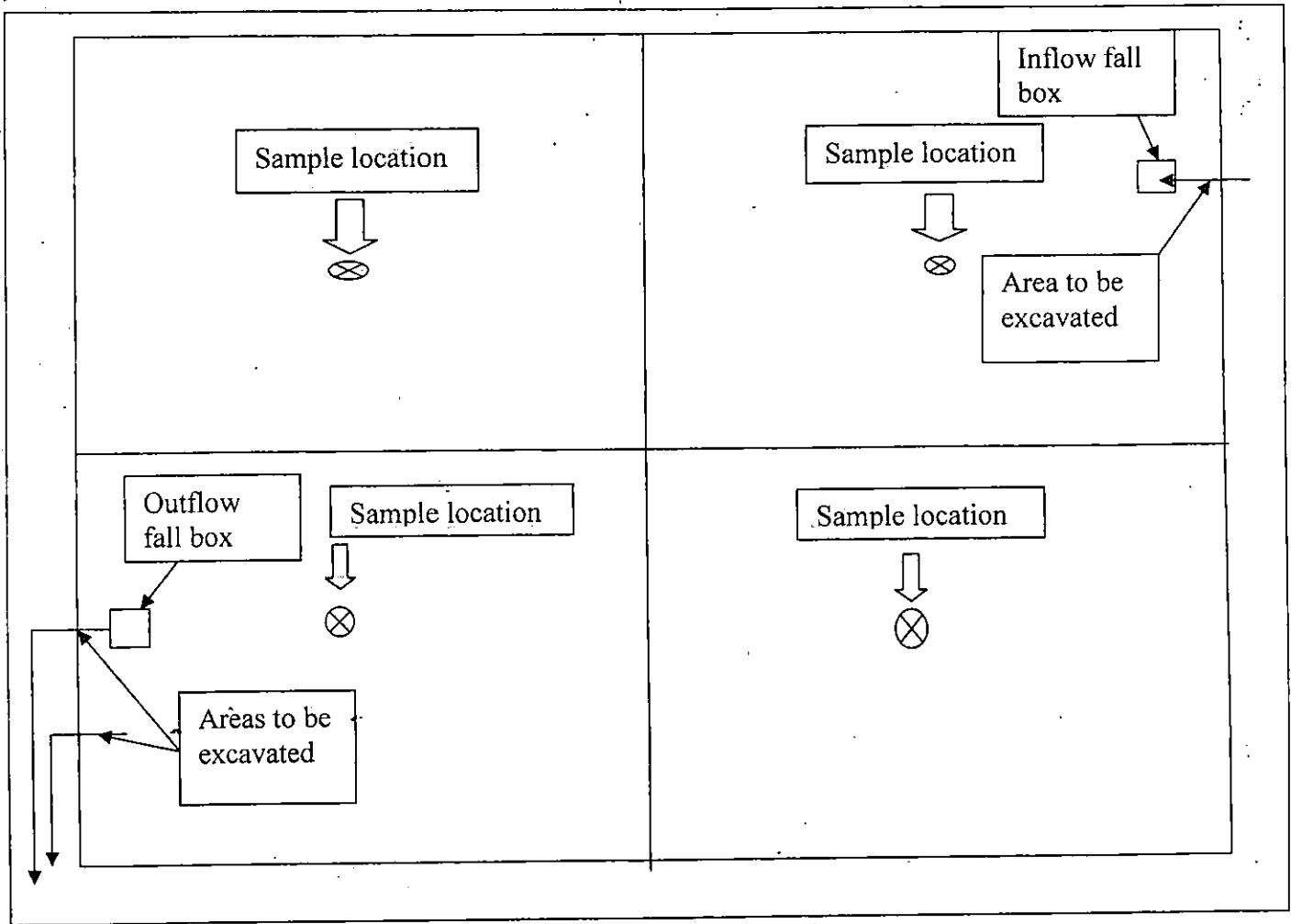
We will continue to keep you informed of or progress on this matter. If you have any questions please feel free to contact our office at (501) 847-8083.

Sincerely,



Gregg Asher
Treatment Superintendent

page 1 of 2



**Diagram of former
Polishing pond**

Crist Engineers, Incorporated



Consulting Engineers

1405 North Pierce Street, Suite 301
Little Rock, Arkansas 72207
Telephone (501) 664-1552
Facsimile (501) 664-8579
www.cristengineers.com

Larry D. Gaddis
Stewart W. Noland
Leslie B. Price
Matthew D. Dunn
Richard W. Zelnick

July 11, 2012

Mr. John Bailey, P.E.
Permit Branch Manager, Water Division
AR Dept. of Environmental Quality
5301 Northshore Drive
North Little Rock, Arkansas 72118-5317

Reference: Former Polishing Pond
Revised Closure Plan
NPDES Permit AR0034002

Dear Sir:

This letter is provided on behalf of City of Bryant, Arkansas.

I have examined the site of the above and, to the best of my knowledge and belief, the former polishing pond is not hydraulically connected to any part of the Bryant wastewater collection system or to the wastewater treatment plant. Photos of the disconnections are attached for reference.

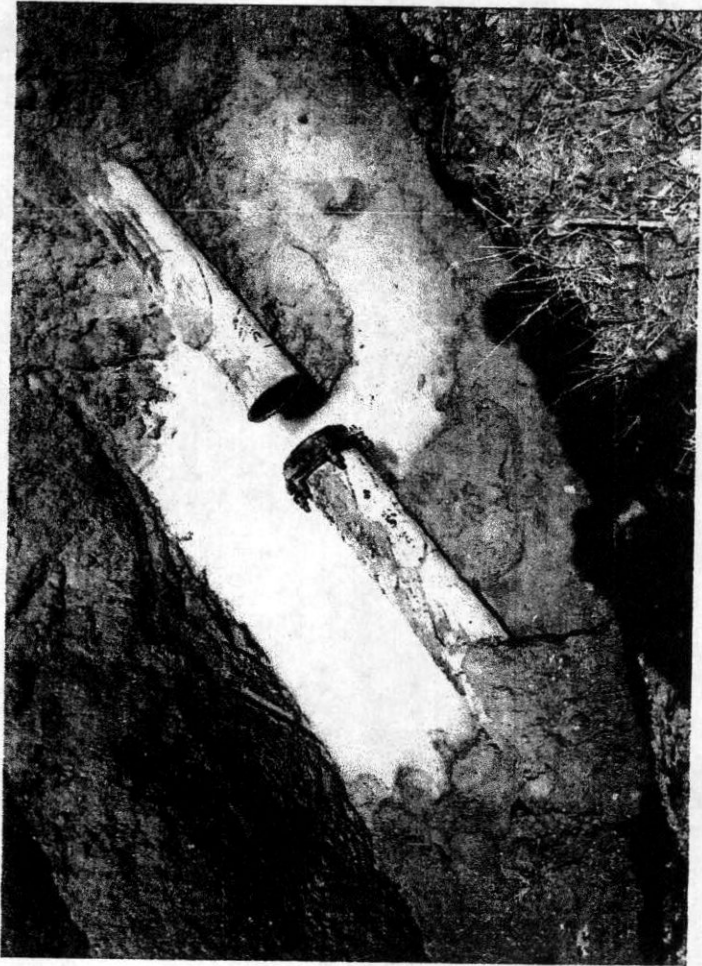
Sincerely,

A handwritten signature in black ink that reads "Larry D. Gaddis".

Larry D. Gaddis

cc: Mr. Monty Ledbetter, Public Works Director
City of Bryant, Arkansas

1142



**BRYANT
WATER UTILITIES**

August 13, 2012

Arkansas Department of Environmental Quality
5301 Northshore Dr.
North Little Rock, AR 72118-5317
Attn. Water Division Enforcement Branch

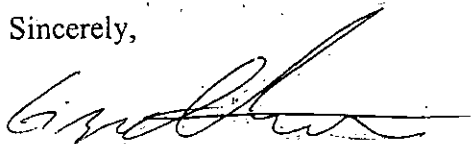
RE: AFIN 63-00065 Permit No: AR0034002

City of Bryant Wastewater
1019 S.W 2nd St.
Bryant, AR 72022

This is a progress report requested by your office in the supplement to consent administrative order amended May 2012 in regards to the pond closure activities. As of August 13, 2012 we have removed six inches of soil from the sides and bottom of this former polishing pond and stored it in one of the facilities sand drying filters. The north and east levees have been cut down to an elevation so that all the water runoff will drain through a channel made in the west levee. This channel has been lined with riprap, a rock check dam has been created, and silt fencing has been installed around the opening to control erosion. We are in the process of making arrangements to hydro seed the area and completing this project. We feel at this time we are on schedule and will be able to complete all requirements in the pond closure agreement.

We will continue to keep you informed of or progress on this matter and notify your office on the completion of this project by the final closure deadline. If you have any questions please feel free to contact our office at (501) 847-8083.

Sincerely,



Gregg Asher
Wastewater Treatment Superintendent
City of Bryant

**BRYANT
WATER UTILITIES**

August 30, 2012

Marilyn Stout, Enforcement Coordinator
Arkansas Department of Environmental Quality
5301 Northshore Dr.
North Little Rock, AR 72118-5317

RE: AFIN 63-00065 Permit No: AR0034002

Dear Ms. Stout:

This letter is to serve as a notice that all requirements set forth in the Pond Closure Plan have been met and the former polishing pond is decommissioned. As of August 30, 2012 we have completed the last step to hydro seed the area where the former polishing pond was located to help control erosion as water runoff drains through this area. The following actions were performed to complete this project after a meeting held in your office to discuss the feasibility of the City restoring the former polishing pond to an open, dry land area for future expansion:

The water in the former polishing pond was pumped into the waste treatment facility for processing to effluent. When the water was removed some time was given to allow for the bottom to dry. During this time all the connections into and out of the former lagoon were excavated and a cap was placed on these lines to prevent any flow into this area. Several samples were taken of the soil around the area then we removed six to eight inches of the bottom and stored this material in one of our sand drying filters. The north and east levees were cut down to allow for water runoff to drain through this area to a cut made in the west levee leading to a nature elevation drain. A rock check dam and a silt fence have been put in place at this cut to help control erosion over into this drain area. Our last step was to cover the area with hydro seed to help control erosion and restore the land where this project took place.

We feel that this area will take to the land change allowing us to maintain the growth and maintenance until the time for future expansion to the treatment facility. If you have any questions please feel free to contact my office at (501)-943-0469.

Sincerely,



Monty Ledbetter
Public Works Director
City of Bryant









