



ARKANSAS

ENERGY & ENVIRONMENT

September 21, 2021

Honorable Shawn Lane, Mayor
City of Yellville
P.O. Box 647
Yellville, AR 72687

email: mayor@yellville.net

**RE: NPDES Permit Number AR0034037, AFIN 45-00023
PROPOSED CONSENT ADMINISTRATIVE ORDER**

Dear Mayor Lane:

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 **1385 Marion County 6001, Yellville, 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 **\$3400.00** 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 originally signed copy** to Danielle.harbin@adeq.state.ar.us or 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 Amendment on behalf of the Name of Facility 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 an effort to expedite the resolution of these issues, DEQ will accept in settlement a civil penalty assessment of fifty percent (50%) of the full civil penalty amount determined pursuant to APC&EC Regulation No. 7 if the CAO is signed and returned to DEQ within **twenty (20) calendar days** of receipt of this letter. After this date, and until any administrative hearing or similar action is held on this matter, DEQ will continue to entertain the possibility of a settlement by entering into a CAO. However, the penalty reduction incentive for expedited settlement will be withdrawn and not available after the date the initial offer for penalty reduction has expired.

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 <https://www.adeq.state.ar.us/legal/sep.aspx> for additional information.

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) 0056, or you may e-mail me at danielle.harbin@adeq.state.ar.us.

Sincerely,

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

Danielle Harbin
Enforcement Coordinator, DEQ, OWQ
5301 Northshore Drive, North Little Rock, AR 72118

Cc: Sheila Batterton, Water Billing Clerk, sbatterton@cityofyellville.org
Jeff Dehnhardt, P.E., jdehnhardt@engineeringservices.com