



## DIVISION OF ENVIRONMENTAL QUALITY

Sarah Huckabee Sanders  
GOVERNOR

Shane E. Khoury  
SECRETARY

January 5, 2024

Honorable Brenda Weldon, Mayor  
City of Malvern  
506 Overman  
Malvern, AR 72104

EMAIL: [mayor@malvernar.gov](mailto:mayor@malvernar.gov)

**RE: NPDES Permit Number AR0034126, AFIN 30-00040  
PROPOSED CONSENT ADMINISTRATIVE ORDER**

Dear Mayor Weldon:

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 **3672 Grigsby Ford Road, Malvern, 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 **\$30,500.00** 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 signed copy** to [Kristen.Graham@adeq.state.ar.us](mailto:Kristen.Graham@adeq.state.ar.us) 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 Chief Administrator 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 compromise and full settlement of the violations, DEQ has agreed to suspend **\$20,000.00** of the **\$30,500.00** penalty. If full compliance with this Order is achieved, the suspended penalty of **\$20,000.00** shall be dismissed by DEQ. If the City of Malvern violates any terms of this Order, the full balance of **\$30,500.00** shall become due immediately to DEQ.

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

**ARKANSAS DEPARTMENT OF ENERGY AND ENVIRONMENT**

ee.arkansas.gov | 5301 Northshore Drive, North Little Rock, AR 72118 | 501.682.0744

Proposal Guidelines at <http://www.state.ar.us/legal/sep.htm> 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) 682-0758, or you may e-mail me at [Kristen.Graham@adeq.state.ar.us](mailto:Kristen.Graham@adeq.state.ar.us).

Sincerely,



Kristen Graham  
Compliance Analyst, OWQ, DEQ

Cc: Devan Baugh, [dbaugh@malvernar.gov](mailto:dbaugh@malvernar.gov)  
John Davis, [jdavis@malvernar.gov](mailto:jdavis@malvernar.gov)  
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