

ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

City of Magnolia – Big Creek WWTP  
P.O. Box 1126  
Magnolia, AR 71754

LIS No. 16-097-002  
Permit No. AR0043613  
AFIN 14-00059

AMENDMENT NO. 002 TO CONSENT ADMINISTRATIVE ORDER

By mutual agreement of the City of Magnolia – Big Creek WWTP (“Respondent”) and the Arkansas Department of Environmental Quality (ADEQ or “Department”), the Consent Administrative Order (CAO) LIS 16-097, as amended by CAO LIS 16-097-001, is hereby amended as follows:

1. Respondent and ADEQ have agreed to amend the Findings of Fact Section of CAO LIS 16-097, as amended by CAO LIS 16-097-001, with the addition of the following paragraphs:

24. On December 6, 2018, Respondent submitted a request to the Department to amend CAO LIS 16-097, as amended by CAO LIS 16-097-001. Respondent requested an extension of the final compliance date to July 1, 2019, in order to complete the sludge removal and land application, which is pending the issuance of land application permit 5314-W.

25. On December 18, 2018, Respondent notified ADEQ by email that it had identified two (2) collection system lines through smoke testing that are in need of replacement. Respondent stated

that the lines will be replaced and back in operation by July 1, 2019.

2. Respondent and ADEQ have further agreed to amend the Order and Agreement Section of CAO LIS 16-097, as amended by CAO LIS 16-097-001, by deleting Paragraphs 1 and 3 and replacing them with the following:

1. On or before July 1, 2019, Respondent shall submit a certification of compliance from a Professional Engineer (P.E.) licensed in the state of Arkansas, stating that the corrective actions listed in the CAP submitted on March 6, 2017, have been completed and Respondent is in compliance with the permitted effluent limitations.

3. On or before July 1, 2019, Respondent shall submit a final report from a P.E. stating that the two (2) collection system lines referenced in Findings of Fact Paragraph 25 have been replaced and are in operation.

3. All provisions of CAO LIS 16-097, as amended by CAO LIS 16-097-001, not explicitly modified by this Amended CAO LIS 16-097-002 shall remain in full force and effect and are hereby incorporated by reference.

4. This Amended CAO LIS 16-097, as amended by CAO LIS 16-097-001, as amended by CAO LIS 16-097-002, is subject to public review and comment in accordance with Ark. Code Ann. § 8-4-103(d) and APC&EC Regulation No. 8. This Amendment is effective upon the Director's Signature. ADEQ retains the right for thirty (30) days following the close of the public

comment period to rescind this Amendment based upon the comments received within the thirty (30) day public comment period notwithstanding the public notice requirements.

5. Nothing in this Amended CAO LIS 16-197-002 shall be construed as a waiver by ADEQ of its enforcement authority over alleged violations not specifically addressed in CAO LIS 16-097, as amended by CAO LIS 16-097-001, as amended by CAO LIS 16-197-002. Also, this Amended CAO does not exonerate Respondent from any past, present, or future conduct that is not expressly addressed in CAO LIS 16-097, as amended by CAO LIS 16-097-001, as amended by CAO LIS 16-097-002, nor does it relieve Respondent of its responsibilities for obtaining any necessary permits.

6. Other than as set forth herein, this Amended CAO may not be altered, amended, or terminated except by written agreement signed by the Department and by Respondent, or by action of the Department exercising the right of rescission pursuant to Paragraph 4 above.

7. This Amended CAO has been reviewed and approved by the City Council of Respondent in a duly convened meeting with a quorum present. See copy of meeting minutes or resolution attached as Exhibit A.

8. The City Council of Respondent has authorized the Mayor and City Clerk/Treasurer to sign this Amended CAO on behalf of Respondent. See Exhibit A.

9. The City Council of Respondent has authorized the Mayor and City Clerk/Treasurer to expend funds for compliance activities required by this Amended CAO including but not limited to the payment of a civil penalty. See Exhibit A.

SO ORDERED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

\_\_\_\_\_  
BECKY W. KEOGH, DIRECTOR

APPROVED AS TO FORM AND CONTENT:

City of Magnolia – Big Creek WWTP

BY: *Parnell Vann*  
(Signature)

PARNELL VANN  
(Typed or printed name)

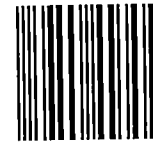
TITLE: MAYOR

DATE: 1-28-19

Mayor Parnell Vann  
City of Magnolia – Big Creek WWTP  
P.O. Box 1126  
Magnolia, AR 71754



1000



72118

U.S. POSTAGE PAID  
FCM LG ENV  
MAGNOLIA, AR  
71753  
JAN 28, 19  
AMOUNT

**\$1.15**

R2304E106871-21

ATTN: Bailey Taylor  
Arkansas Department of  
Environmental Quality  
5301 Northshore Dr.  
North Little Rock, AR 72118-5317

