



ARKANSAS

ENERGY & ENVIRONMENT

November 17, 2021

Rick Ferguson, President
WVE Property Owners Association, Inc.
P.O. Box 23670
Little Rock, AR 72221

email: ferguson.office@gmail.com

**RE: NPDES Permit Number AR0050393, AFIN 60-02318
PROPOSED CONSENT ADMINISTRATIVE ORDER**

Dear Mr. Ferguson:

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 Highway 300, Roland, Pulaski County, 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 **\$1000.00** 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 Danielle.harbin@adeq.state.ar.us or the address below within **twenty (20) calendar days** of receipt of this letter. 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 However, the penalty reduction incentive for expedited settlement will be withdrawn and not available after the date the initial offer for penalty reduction has expired.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 501-682-0056 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: Brock Ferguson, Manager, brockferg31@gmail.com
William Ford, P.E., dford@pmico.com