

CITY OF WARD, LONOKE COUNTY, ARKANSAS

RESOLUTION NO. R-2015-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WARD, ARKANSAS, AUTHORIZING AMENDED CONSENT ADMINISTRATIVE ORDER LIS 13-096-001 WITH STATE OF ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY TO AMEND THE FINDINGS OF FACT SECTION OF CAO LIS 13-096 AND THE ORDER AND AGREEMENT SECTION.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WARD, ARKANSAS:

Section 1. The Amended Consent Administrative Order Number LIS 13-096-001 with the State of Arkansas Department of Environmental Quality, a copy of which is attached hereto, is hereby approved and authorized.

Section 2. The Mayor and Clerk/Treasurer of the City of Ward, Arkansas, are authorized and directed to execute said Amended Consent Administrative Order Number LIS 13-096-001 on behalf of the City and take such actions as may be appropriate to carry out the terms of this Resolution.

Action heretofore taken by the Mayor and Clerk/Treasurer and consistent with the purposes of this Resolution, including execution of the Amended Consent Administrative Order, is hereby ratified.

Section 3. It has been found that the Amended Consent Administrative Order is plainly in the interest of the City and that its execution is essential. Therefore, this Resolution shall be in effect on its adoption.

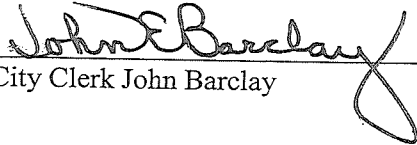
Section 4. If any section, clause, provision or portion of this resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision or portion of this resolution.

ADOPTED this 13th day of July, 2015.



Mayor Art Brooke

ATTEST:



City Clerk John Barclay

ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

City of Ward
P.O. Box 237
Ward, AR 72176

LIS No. 13-096-001
Permit No. AR0047554
AFIN 43-00065

AMENDED CONSENT ADMINISTRATIVE ORDER

By mutual agreement of the City of Ward (hereinafter "Respondent") and the Arkansas Department of Environmental Quality (hereinafter "ADEQ" or "Department"), Consent Administrative Order (CAO) LIS 13-096 is hereby amended as follows:

FINDINGS OF FACT

The Respondent and ADEQ have agreed to amend the Findings of Fact Section of CAO LIS 13-096 with the addition of the following paragraphs:

9. On February 4, 2013, Respondent submitted to ADEQ a Corrective Action Plan and Milestone Schedule for achieving compliance with the permitted effluent limits.
10. The Corrective Action Plan and Milestone Schedule were incorporated into CAO LIS 13-096 by reference, and required the Respondent to achieve compliance by July 1, 2015.
11. On July 24, 2014, and in subsequent requests due to the physical and financial constraints associated with the building of a new sequential batch reactor, Respondent submitted a written request for an amendment to CAO LIS 13-096 which included a revised Milestone Schedule to rehabilitate and expand the existing treatment facility. The Revised Milestone Schedule includes two phases: Phase I is for the design and

permitting of the proposed wastewater plant expansion; and Phase II is for the construction of the plant expansion.

12. Respondent is currently seeking funding for the project from the United States Department of Agriculture Rural Development (hereinafter "USDA").

ORDER AND AGREEMENT

1. All provisions of CAO 13-096 not explicitly modified by Amended CAO LIS 13-096-001 shall remain in full force and effect and are hereby incorporated by reference.

2. Paragraph 1 of the Order and Agreement Section is hereby amended to include the following revised Milestone Schedule which replaces the previously submitted schedule:

a. Respondent shall apply for construction permit for wastewater treatment plant improvements to achieve all permitted effluent limits within one (1) month of receipt of funding and begin construction of the wastewater treatment plant improvements within three (3) months of issuance of construction permit.

b. Complete all wastewater treatment plant construction and comply with permitted effluent limits within fifteen (15) months of beginning construction.

3. In the event that no funding shall be awarded from USDA or any financial institution to whom Respondent submitted a funding application, Respondent shall:

a. Submit within ten (10) days a copy of the loan rejection notice(s) or other appropriate documentation received by the Respondent to the ADEQ Water Division Enforcement Branch.

b. Submit within ninety (90) days of receiving the above rejection notice(s) or other documentation, an ADEQ State Construction Permit application (Form 1). Additionally, Respondent shall submit plans with specifications and design calculations signed and stamped by an Arkansas Professional Engineer (P.E.).

c. Begin Construction within three (3) months of issuance of the State Construction Permit.

d. Complete all wastewater treatment plant construction and comply with the permitted effluent limits within fifteen (15) months of issuance of the State Construction Permit.

4. This CAO Amendment 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 to rescind this Amendment based upon the comments received within the thirty-day public comment period notwithstanding the public notice requirements.

5. Nothing in this Amendment shall be construed as a waiver by ADEQ of its enforcement authority over alleged violations not specifically addressed in CAO LIS 13-096. Also, this Amendment does not exonerate the Respondent from any past, present, or future conduct which is not expressly addressed in CAO LIS 13-096, nor does it relieve the Respondent of its responsibilities for obtaining any necessary permits.

6. This Amended Order has been reviewed and approved by the City Council of the Respondent in a duly convened meeting with a quorum present. See copy of meeting minutes or resolution attached as Exhibit 1.

7. The City Council of the Respondent has authorized the Mayor and City

Recorder/Treasurer to sign this Amended Order on behalf of the Respondent. See Exhibit 1.

8. The City Council of the Respondent has authorized the Mayor and City Recorder/Treasurer to expend funds for compliance activities required by this Amended Order. See Exhibit 1.

SO ORDERED THIS 27th DAY OF July, 2015.

Becky W. Keogh
BECKY W. KEOGH, DIRECTOR

APPROVED AS TO FORM AND CONTENT:

CITY OF WARD

BY: Art Brooke
(Signature)

Art Brooke
(Typed or printed name)

TITLE: Mayor

DATE: July 14, 2015