

ARKANSAS DEPARTMENT OF ENERGY AND ENVIRONMENT
DIVISION OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

City of Bethel Heights
530 Sunrise Drive.
Bethel Heights, AR 72764

LIS No.19- 070
Permit No. 4725-WR-5
AFIN 04-00630

NOTICE OF VIOLATION

**TO: Honorable Cynthia Black
Mayor, City of Bethel Heights
530 Sunrise Drive
Bethel Heights, AR 72764**

NOTICE is hereby given that the Director of the Division of Environmental Quality¹ (DEQ or "Division") has determined that there are reasonable grounds to believe that the City of Bethel Heights ("Respondent") has committed the following violations of the Arkansas Water and Air Pollution Control Act ("the Act"), Ark. Code Ann. § 8-4-101 *et seq.*, and the regulations and rules promulgated thereunder, including without limitation Arkansas Pollution Control and Ecology Commission (APC&EC) Regulation No. 17: Arkansas Underground Injection Control (UIC) Code.

This Notice of Violation (NOV) is issued in accordance with the provisions of APC&EC Regulation 7: Civil Penalties and APC&EC Regulation 8: Administrative Procedures.

¹ Pursuant to Act 910 of 2019, the Arkansas Transformation and Efficiencies Act, the former Arkansas Department of Environmental Quality is now the Division of Environmental Quality in the newly-created Department of Energy and Environment.

ALLEGATIONS AND PROPOSED FINDINGS OF FACT

1. Respondent operates a decentralized wastewater treatment system (WWTS) serving the City of Bethel Heights, Benton County, Arkansas. Respondent's Permit, Permit 4725-WR-5, is attached as Exhibit A.
2. DEQ is authorized under the Ark. Code Ann. § 8-4-101 *et seq.*, and APC&EC Regulation No. 17: Arkansas Underground Injection Control (UIC) Code to issue permits for wastewater treatment systems that include drip irrigation dispersal fields.
3. DEQ issued No-Discharge Permit 4725-WR-5 ("Permit") to Respondent on July 2, 2015. The Permit became effective on September 1, 2015, and expires on August 31, 2020. Exhibit A.²
4. Respondent's WWTS consists of a septic tank pumped effluent (STEP) sewer collection system that flows to one of two (2) wastewater treatment units. Each wastewater treatment unit is designed to distribute the effluent to the subsurface via the adjacent drip irrigation system. The Lincoln Street wastewater treatment unit ("Lincoln WWTU") is located on eleven (11) acres and includes Phases 1, 2, and 3 of Respondent's drip irrigation fields. The North Oak Street wastewater treatment Unit ("North Oak WWTU") is located on ten (10) acres and includes Phase 4, subdivided into Phase 4a and Phase 4b, of Respondent's drip irrigation fields. See Exhibit A.
5. Each residence is connected to a 1,500-gallon STEP unit, and each commercial business is connected to a STEP unit with a capacity of at least 1,500 gallons. The wastewater from each STEP unit is pumped to the Lincoln WWTU or the North Oak WWTU through small diameter (2"-4") pressure lines for treatment. At each WWTU, the partially treated wastewater passes through recirculation tanks where additional settling of solids occurs. A portion of the partially treated wastewater enters the dose tank from the recirculation tank and is dispersed to the drip

² References to the "Permit" are references to Exhibit A, No-Discharge Permit 4725-WR-5.

irrigation fields. Each drip field consists of individual zones, which were sized to equally distribute effluent across each field. See Exhibit A.

6. A drip irrigation dispersal field is a defined area of land containing a system of tubing, with flow regulating emitters, entrenched below the ground surface. The tubing transports effluent from the WWTU for dispersion into the surrounding soil. Final treatment for removal of nutrients and pathogens from the wastewater occurs as the emitters slowly disperse the wastewater into the biologically-active root zone of plants for uptake and biological use.

7. Based on the topography of the drip irrigation dispersal fields at the Lincoln WWTU, ponding or pooling water from Phase 1–3 drip irrigation fields can flow through the natural drainages present to an unnamed tributary of Puppy Creek, thence to Puppy Creek, thence to Spring Creek, thence to the Illinois River. Topographic Map of Lincoln WWTU, Phases 1–3, is attached as Exhibit B.

8. Ark. Code Ann. § 8-4-217(a)(2)–(3) provides:

(a) It shall be unlawful for any person to:

...

(2) Place or cause to be placed any sewage, industrial waste, or other wastes in a location where it is likely to cause pollution of any waters of this state;

(3) Violate any provisions of this chapter or of any rule, regulation, or order adopted by the [APC&EC] under this chapter or of a permit issued under this chapter by the [DEQ].

9. Ark. Code Ann. § 8-4-103 authorizes DEQ to assess an administrative civil penalty not to exceed ten thousand dollars (\$10,000) per violation for any violation of any provision of the Act and any regulation, rule, or permit issued pursuant to the Act.

10. Pursuant to Ark. Code Ann. § 8-4-103(c)(1)(B), “Each day of a continuing violation may be deemed a separate violation for purposes of penalty assessment.”

Previous CAO

11. On November 2, 2015, DEQ and Respondent entered into Consent Administrative Order (CAO) LIS 15-131 to address numerous occasions of effluent surfacing and permit limit exceedances. CAO LIS 15-131 became effective on January 10, 2016. CAO LIS 15-131 is attached as Exhibit C.

12. On June 24, 2016, DEQ received a revised Corrective Action Plan (CAP) from Respondent. This revised CAP was approved and incorporated into CAO LIS 15-131 by amended CAO LIS 15-131-001, which became effective on December 13, 2016. CAO LIS 15-131-001 is attached as Exhibit D.

13. On January 6, 2017, DEQ received a letter from Respondent certifying that improvements to Respondent’s WWTS had been completed and were working properly, and that Phases 1–4 were in compliance with Respondent’s Permit limits. The letter from Mayor Black dated January 6, 2017, is attached as Exhibit E.

14. On January 27, 2017, DEQ closed CAO LIS 15-131, as amended by CAO LIS 15-131-001. The letter dated January 27, 2017, from DEQ closing CAO LIS 15-131, as amended by CAO LIS 15-131-001, is attached as Exhibit F.

Inspection Violations

15. On February 4, 2019, DEQ conducted a reconnaissance inspection at Respondent’s WWTS in response to a complaint. The report for the February 4, 2019 inspection is attached as Exhibit G. The inspection revealed the following violations:

- a. DEQ observed ponding or pooling water on the surface (“surfacing”) on the drip irrigation fields for Phases 1, 2, 3, and 4. This condition violated Part II, Condition 3 of the Permit and therefore violated Ark. Code Ann. § 8-4-217(a)(3). See Exhibit G.
- b. DEQ observed damaged equipment and piping, which was leaking liquid onto the surface of Phases 1, 2, 3, and 4 of the drip irrigation fields. This condition violated Part II, Condition 3 of the Permit and therefore violated Ark. Code Ann. § 8-4-217(a)(3). See Exhibit G, pp. 18-19.
- c. DEQ observed evidence of offsite runoff next to the fence line from Phases 1, 2, 3, and 4 of the drip irrigation fields. This condition violated Part III, Condition 3 of the Permit and therefore violated Ark. Code Ann. § 8-4-217(a)(3). See Exhibit G, pp. 2, 9, 10, 19.

16. On February 12, 2019, DEQ conducted a follow-up compliance evaluation inspection of Respondent’s WWTS. The report for the February 12, 2019 inspection is attached as Exhibit H.

The inspection revealed the following violations:

- a. DEQ observed surfacing on the drip irrigation fields for Phases 1, 2, 3, and 4b. This condition violated Part II, Condition 3 of the Permit and therefore violated Ark. Code Ann. § 8-4-217(a)(3). See Exhibit H.
- b. DEQ observed that the drip irrigation fields for Phases 2 and 3 did not have adequate vegetative cover. This condition violated Part II, Condition 7 of the Permit and therefore violated Ark. Code Ann. § 8-4-217(a)(3). See Exhibit H.
- c. DEQ observed a broken solenoid valve in the Phase 4a drip irrigation field. According to Respondent, the solenoid valve was damaged in November 2018,

and had not been repaired. This condition violated Part III, Condition 10 of the Permit and therefore violated Ark. Code Ann. § 8-4-217(a)(3). See Exhibit H.

17. On March 18, 2019, DEQ notified Respondent of the February 12, 2019 inspection results. See Exhibit H.

18. On March 21, 2019, DEQ notified Respondent of the February 4, 2019 inspection results. See Exhibit G.

19. On April 8, 2019, DEQ received a response from Respondent for the February 12, 2019 inspection. See Exhibit H, pp. 24–36.

20. On April 18, 2019, DEQ notified Respondent that the response to the February 12, 2019 inspection was inadequate. See Exhibit H, p. 37.

21. On May 6, 2019, DEQ sent a letter to Respondent requesting that Respondent submit a Corrective Action Plan (CAP) within ninety (90) days of receiving DEQ's letter. DEQ's May 6, 2019 letter is attached as Exhibit I. The letter stated that at a minimum the CAP shall include the following:

A facility plan to include a complete evaluation of the wastewater treatment and collection systems, estimate of monthly flows based on actual billing connections; as built drawings, a study of alternatives evaluating upgrading the wastewater treatment and collection system, replacing the current system with other technologies, or constructing a force main to connect the facility's wastewater to another municipal or regional wastewater treatment system. The study shall include a comprehensive cost analysis and comparative evaluation of the current wastewater treatment systems operation, repair, maintenance, cost of ongoing compliance, etc. vs. other available wastewater treatment technologies or wastewater regionalization, and include 10-year, 20-year, and 40-year population and connection projection estimates;

22. On May 16, 2019, DEQ conducted a follow-up inspection at the WWTS. The report for the May 16, 2019 inspection is attached as Exhibit J. The inspection revealed the following violations:

- a. DEQ observed surfacing on the drip irrigation fields for Phases 1, 2, 3, and 4. DEQ noted areas where water was pooled along the east perimeter of the property and under the fence. This condition violated Part II, Condition 3 of the Permit and therefore violated Ark. Code Ann. § 8-4-217(a)(3). See Exhibit J.
- b. DEQ observed several PVC pipes with broken plastic caps in the ground along the perimeter of the drip irrigation fields for Phases 1, 2, and 3. DEQ observed a trench in these fields with pooling water in it. These conditions indicated that Respondent is not operating and maintaining its wastewater treatment systems properly in violation of Part III, Condition 10 of the Permit and therefore violated Ark. Code Ann. § 8-4-217(a)(3). See Exhibit J.

Reported Violations

23. DEQ conducted a review of the certified Monthly Monitoring Reports (MMRs) submitted by Respondent in accordance with the Permit from January 1, 2019 through June 30, 2019. Respondent's MMRs for January 1, 2019 through June 30, 2019 are attached as Exhibit K.

- a. Respondent reported twenty-six (26) exceedances of the permitted effluent limits in violation of Part I, Table 1 of the Permit:
 1. Seventeen (17) violations for Total Suspended Solids (TSS); and
 2. Nine (9) violations for Carbonaceous Biochemical Oxygen Demand (CBOD5).

Each of the twenty-six (26) exceedances of the permit limits listed above constitutes a separate permit violation for a total of twenty-six (26) separate violations of Part I, Table 1 of the Permit and also of Ark. Code Ann. § 8-4-217(a)(3). See Exhibit K.

- b. Respondent reported effluent surfacing on the drip irrigation dispersal fields for Phases 1, 2, 3, and 4 during fourteen (14) monthly monitoring periods:

Surfacing, Ponding, Pooling Violations By Dispersal Field Phase

Year	Month	Phase 1	Phase 2	Phase 3	Phase 4b	Phase 4a
2019	January	x	x	x	x	
	February	x	x	x	x	x
	March					
	April					
	May	x	x	x	x	
	June		x			
	Totals	3	4	3	3	1
Combined Total						14

Each of the fourteen (14) reported occurrences of surfacing effluent is a violation of Part II, Condition 3 of the Permit and therefore is a violation of Ark. Code Ann. § 8-4-217(a)(3). See Exhibit K.

Sampling Investigation

24. On July 16, 2019, DEQ conducted a sampling inspection at Respondent’s WWTS in response to reports of surfacing wastewater and continuing complaints. On August 1, 2019, DEQ informed Respondent of the results of that inspection. The report for the July 16, 2019 Inspection is attached as Exhibit L.

25. Samples were collected from the partially treated wastewater flowing to Phase 2, 3, 4a, and 4b drip irrigation fields and analyzed for all Permit parameters. Samples were not collected from Phase 1 effluent because it was inactive at the time of the inspection. The following is a summary of those sample results:

- a. Phase 2 effluent sample results for Fecal Coliform Bacteria (FCB) were “Too Numerous to Count” (TNTC)³ and CBOD5 exceeded the Permit effluent limitations.
- b. Phase 3 effluent sample results did not result in any Permit effluent exceedances.
- c. Phase 4a effluent sample results did not result in any Permit effluent exceedances.
- d. Phase 4b effluent sample results exceeded the TSS Permit effluent limitation.

Each of the three (3) exceedances of Respondent’s permitted effluent limitations is a violation of Part I of the Permit, and therefore is a violation of Ark. Code Ann. § 8-4-217(a)(3). See Exhibit L, pp. 35–48.

26. Samples were collected from areas with surfacing on the drip irrigation fields for Phases 1, 2, 3, and 4b and analyzed for FCB, *Escherichia coli* (E.coli), and Total Phosphorus. The following is a summary of those sample results:

- a. Phase 2 Drip Field (BH01) sample results were TNTC for FCB and 496 MPN/100mL for E.coli.
- b. Phase 3 Drip Field (BH03) sample results were TNTC for FCB and E.coli.
- c. Phase 1 Drip Field Pooled Water (BH04) sample results were TNTC for FCB and E.coli.
- d. Phase 4B Drip Field (BH05) sample results were <1 MPN/100mL for Fecal Coliform Bacteria and E.coli.

See Exhibit L, pp. 49– 55.

27. Part II, Condition 3 of the Permit states:

Wastewater shall not be discharged from this operation to the waters of the State or onto the land in any manner that may result in pooling, ponding, or runoff to the waters of the State. If any of the above conditions occur, dispersal shall cease immediately. Resumption of application activities cannot occur until all conditions of the permit are met. Note: Any evidence of runoff must be reported within 24 hours to the Enforcement Branch of the

³ Too Numerous to Count means that the most probable number of colony forming units of bacteria exceeded the number of units that could be counted using the identified analytical method.

Water Division in accordance with Standard Condition 13 of Part III.

28. During the Sampling Investigation, DEQ observed large areas with significant surfacing on the drip irrigation fields for the Phase 1 and Phase 2. DEQ observed large stands of water primrose⁴ in Phase 1 and Phase 2 of Respondent's drip irrigation fields. See Exhibit L, pp. 13–14. Phase 2 was saturated to the extent that wastewater was observed flowing within the phase. See Exhibit L, pp. 2–3. During the Sampling Investigation, effluent was flowing to Phase 2. Respondent did not immediately cease dispersal to Phase 2, as required by Part II, Condition 3 of the Permit. Based on the observed pooling or ponding and the large stands of water primrose, Respondent continued dispersing effluent to the Phase 1 and Phase 2 fields for enough time to enable the water primrose to establish itself and proliferate in the area of the drip irrigation fields with pooling or ponding water. The multiple observations of pooling or ponding and the growth of the water primrose indicate a failure to operate and maintain the WWTS properly. This failure is a violation of Part III, Condition 10 of the Permit, and therefore a violation of Ark. Code Ann. § 8-4-217(a)(3).

29. Respondent's Waste Management Plan (WMP) does not list water primrose as one of the vegetative cover crops for the drip irrigation fields. For the reasons stated above, water primrose is not an appropriate cover crop for the drip irrigation fields. Vegetation that is not appropriate as a cover crop for drip irrigation fields must be removed. Failure to remove the water primrose from the fields is a violation of Part II, Condition 9 of the Permit and therefore violated Ark. Code Ann. § 8-4-217(a)(3).

30. During the Sampling Investigation, DEQ observed grass clippings on the vegetative cover on portions of the Phase 1 drip irrigation field. See Exhibit L, p. 3. Respondent stated

⁴ Water primrose habitats typically consist of pond borders, shallow lake areas, sluggish streams, swamps, marshes, and ditches.

Phase 1 drip irrigation field was mowed on July 14, 2019. Respondent failed to remove grass clippings from the drip irrigation dispersal field. That failure violated Part II, Condition 8 of the Permit and therefore violated Ark. Code Ann. § 8-4-217(a)(3).

Sample Results from Surfacing in fields

31. On August 2, 2019, Respondent submitted the analytical results from samples taken from areas with surfacing in the drip irrigation fields. GTS, Inc. (GTS) provides geotechnical and testing services. GTS prepared the report with these analytical results for Respondent. GTS collected samples of surfacing in Phases 1, 2, 3, and 4b on July 30, 2019, and analyzed the samples. GTS’s Analytical Results are attached as Exhibit M. The analytical results for E. coli and FCB for these samples are as follows:

Location	Bacteria	Analytical Results
Phase 1	E. coli	6,050 MPN/100mL
	FCB	13,140 MPN/100mL
Phase 2	E. coli	17,230 MPN/100mL
	FCB	37,060 MPN/100mL
Phase 3	E. coli	72,700 MPN/100mL
	FCB	98,040 MPN/100mL
Phase 4b	E. coli	850 MPN/100mL
	FCB	7,830 MPN/100mL

32. The elevated levels of FCB and E.coli in the Phase 1, Phase 2, and Phase 3 surfacing samples could flow to waters of the state. DEQ observed evidence of surfacing in the drip irrigation fields. See Exhibits G, H, J, and L. DEQ observed evidence of runoff from Phases 1, 2, and 3. See Exhibit G, pp. 2, 9, 10. The topographic maps of the fields for Phases 1, 2, and 3 indicate that waters of the state are down slope from these fields. See Exhibit B. Respondent’s July 2019 field samples indicate high levels of FCB in the surfacing samples, and the results for Phase 3 indicated a FCB value of over 98,000 colonies per 100 mL. Exhibit M. Together, the significant surfacing in the Phases 1, 2, and 3 of the drip irrigation fields, the observed evidence

of water runoff from and flow within the fields, FCB results from DEQ's sampling inspection and from Respondent's July 2019 field samples, and the natural slope of the land indicate that pollutants, specifically FCB, have been placed in a location where those pollutants would be likely to cause pollution of waters of this state. This condition is a violation of Ark. Code Ann. § 8-4-217(a)(2).

33. On July 30, 2019, Respondent collected samples of surfacing water in Phases 1, 2, 3, and 4b. Each of the four (4) samples is evidence of surfacing effluent. Each instance of surfacing effluent is a violation of Part II, Condition 3 of the Permit and therefore is a violation of Ark. Code Ann. § 8-4-217(a)(3).

Failure to Report Permit Violation

34. On July 30, 2019, DEQ requested copies of Respondent's analytical results from July 1, 2017 through July 30, 2019.

35. On August 8, 2019, Respondent provided the 2019 Analytical Reports for May, June, and July to DEQ. GTS prepared these Analytical Reports for Respondent. GTS collected samples for the May 2019 Analytical Reports on May 10, 2019, May 23, 2019, May 24, 2019, and May 31, 2019. The May 2019 Analytical Reports are attached as Exhibit N. GTS collected samples on June 4, 2019, June 14, 2019, and June 20, 2019. The June 2019 Analytical Reports are attached as Exhibit O. GTS collected samples on July 2, 2019, July 15, 2019, and July 30, 2019. The July 2019 Analytical Reports are attached as Exhibit P.

36. In accordance with the Permit, Respondent submitted MMRs for May, June, and July. The MMRs for the monitoring periods ending May 31, 2019 ("May 2019 MMRs") are attached as Exhibit Q. The MMRs for the monitoring periods ending June 30, 2019 ("June 2019 MMRs") are attached as Exhibit R. The MMRs for the monitoring periods ending July 31, 2019 ("July

2019 MMRs”) are attached as Exhibit S. Respondent reported its analytical results on these MMRs and certified that the reported results were true and accurate.

37. DEQ compared the results reported on Respondent’s MMRs with results from Respondent’s Analytical Reports. Respondent’s 2019 Analytical Reports for May, June, and July documented violations of Respondent’s permit limits that Respondent did not report. Failure to report a permit violation is a violation of Part III, Condition 13.A. of the Permit and therefore is a violation of Ark. Code Ann. § 8-4-217(a)(3).

38. A detailed review of Respondent’s 2019 Analytical Reports for May, June, and July and Respondent’s May 2019 MMRs, June 2019 MMRs, and July 2019 MMRs revealed that Respondent’s MMRs did not reflect all of the results from Respondent’s 2019 Analytical Reports. In multiple instances, Respondent’s MMRs reported only the results for each parameter that were not a permit violation and excluded other results that indicated a permit violation during that month. If all results for that parameter indicated a violation, Respondent would either submit its MMRs with the result closest to the permit limit or submit an unsupported result. MMRs that report compliance with permit limits when Respondent’s Analytical Reports include results that indicate permit violations may constitute false statements, representations, or certifications in a record required by Respondent’s Permit, and therefore Respondent has violated Ark. Code Ann. § 8-4-217(a)(4).

Corrective Action Plan

39. On August 8, 2019, Respondent submitted a Corrective Action Plan to DEQ. Respondent’s submission did not include a facility plan, a complete evaluation of the wastewater treatment and collection systems, or a study of alternatives that evaluates upgrading the wastewater treatment and collection system, replacing the current system with other

technologies, or constructing a force main to connect the Respondent's collection system to another municipal or regional wastewater treatment system. Respondent's submission is inadequate and does not fulfill the minimum requirements outlined in DEQ's May 6, 2019 letter.

PROPOSED CIVIL PENALTY ASSESSMENT AND ORDER

1. Respondent shall take all actions necessary to comply with Permit 4725-WR-5.
2. Respondent is assessed a proposed civil penalty for each violation of the Allegations and

Proposed Findings of Fact as follows:

- a. For violations of Part II, Condition 3 of the Permit evidenced by ponding or pooling, specified in Paragraphs 15.a., 16.a., 20.a., 22.a., 23.b., and 33, Respondent shall pay a penalty in the amount of Eleven Thousand Dollars (\$11,000.00);
- b. For violations of Part III, Condition 3 of the Permit evidenced by runoff from the fields, specified in Paragraph 15.c., Respondent shall pay a penalty in the amount of Eight Thousand Eight Hundred Dollars (\$8,800.00);
- c. For violations specified in Paragraphs 15.b., 16.b-c., 22.b., 28, and 29 for failing to operate and maintain in compliance with the Permit Respondent shall pay a penalty in the amount of Thirteen Thousand Two Hundred Dollars (\$13,200.00);
- d. For violations of permitted effluent limits, specified in Paragraphs 23 and 25, Respondent shall pay a penalty in the amount of Six Thousand Six Hundred Dollars (\$6,600.00);
- e. For violations of Part III, Condition 13.A. of the Permit, specified in Paragraph 37, Respondent shall pay a penalty in the amount of Twenty-Six Thousand Four Hundred Dollars (\$26,400.00);

- f. For violations of Ark. Code Ann. § 8-4-217(a)(4) specified in Paragraphs 38, Respondent shall pay a penalty in the amount of Twenty-Six Thousand Four Hundred Dollars (\$26,400.00); and
- g. For violations of Ark. Code Ann. § 8-4-217(a)(2) specified in Paragraph 32, Respondent shall pay a penalty in the amount of Eight Thousand Eight Hundred Dollars (\$8,800.00).

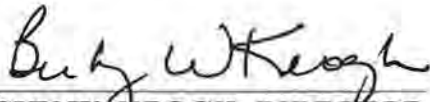
3. In determining the amount of civil penalties assessed, DEQ considered pertinent factors pursuant to and consistent with Section 9 of APC&EC Regulation No. 7 and the DEQ Uniform Penalty Policy. Therefore, pursuant to Ark. Code Ann § 8-4-103, the total sum of civil penalties assessed to the Respondent is One Hundred One Thousand Two Hundred Dollars (\$101,200.00). Payment shall be due within thirty (30) calendar days of the effective date of the final Order in this matter, be made payable to the Division of Environmental Quality, and mailed to the attention of:

Division of Environmental Quality
Fiscal Division
5301 Northshore Drive
North Little Rock, Arkansas 72118-5317

4. Nothing contained in the final order entered in this matter shall be construed as a waiver of DEQ's enforcement authority over violations not specifically addressed herein, nor does this NOV exonerate past, present, or future conduct that is not expressly addressed herein. Nothing contained herein or the final order entered in this matter shall relieve Respondent of any other obligations imposed by any local, state, or federal laws, nor shall the final order entered in this matter be deemed in any way to relieve Respondent of its responsibilities for obtaining or complying with any necessary permits or licenses.

THEREFORE TAKE NOTICE THAT:

If Respondent wishes to dispute the allegations and proposed findings of fact, or the proposed civil penalty assessment, Respondent must file a written request for a hearing in accordance with APC&EC Regulation No. 8 with the Secretary of the Arkansas Pollution Control and Ecology Commission, 101 East Capitol, Suite 205, Little Rock, Arkansas 72201 within **twenty (20) calendar days** of receipt of this Notice of Violation or these allegations will be deemed proven. Upon timely filing a written response that is compliant with APC&EC Regulation No. 8, Respondent will be entitled to an adjudicatory hearing upon the allegations, proposed civil penalties, and other matters stated in this Notice of Violation. If no timely request for a hearing is filed with the Secretary of the APC&EC, the Director may issue an Administrative Order confirming the allegations as Findings of Fact, assessing civil penalties, and ordering the corrective actions stated herein.



**BECKY W. KEOGH, DIRECTOR
DIVISION OF
ENVIRONMENTAL QUALITY**

DATE: 8/16/2019