

ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

LITTLE ROCK WASTEWATER UTILITY  
11 CLEARWATER DRIVE  
LITTLE ROCK, ARKANSAS 72204  
NPDES PERMIT NO. AR0040177 & AR0021806  
AFIN/CSN # 60-00409

LIS 06-037-001

AMENDMENT NO. 1 TO CONSENT ADMINISTRATIVE ORDER

By mutual agreement of the Arkansas Department of Environmental Quality (ADEQ) and Little Rock Wastewater (LRW), the following revisions shall be incorporated into Consent Administrative Order (CAO) LIS 06-037:

Additional Findings of Fact

1. The Little Rock Sanitary Sewer Committee's settlement agreement dated September 12, 2001 and referenced in CAO LIS 06-037, Findings of Fact, paragraph 5 has been modified by an agreement between the Little Rock Sanitary Sewer Committee and the Sierra Club to extend deadline for the obligations under the settlement agreement until December 31, 2018.

2. On August 3, 2011, the United States District Court for the Eastern District of Arkansas, Western Division has entered an Order in docket number 4:00-cv-00022-JMM authorizing the extended deadline.

3. LRW has requested that ADEQ likewise extend the final deadline for compliance under the terms of CAO LIS 06-037 and ADEQ agreed to extend the deadline based upon the agreement of the Sierra Club and the United States District Court.

Amended Order and Agreement

1. The last sentence of Order and Agreement, paragraph VIII.2., CAO LIS 06-037, is amended to include the following agreed upon compliance deadline:

Notwithstanding periodic updates to the SECAP, LRW shall achieve compliance with the maintenance and operation of the

wastewater collection system, as it applies to capacity related overflows, by December 31, 2018

2. Thirty (30) days after the end of the public comment period, LRW will submit to ADEQ a schedule of activities necessary to maintain compliance with the updated SECAP previously submitted to ADEQ.

3. This CAO Amendment is subject to public review and comment in accordance with Ark. Code Ann. § 8-4-103(d). This Amendment is effective upon the Director's signature. ADEQ retains the right and discretion to rescind this Amendment based on comments received during the thirty-day comment period. ADEQ must exercise its right to rescind, if at all, within thirty days after the end of the public comment period.

4. Nothing in the CAO Amendment shall be construed as a waiver by ADEQ of its enforcement authority over alleged violations not specifically addressed in CAO LIS 06-037. This CAO Amendment does not purport in any way to relieve LRW of its responsibilities for obtaining any necessary permits, nor does it exonerate LRW for any past, present, or future conduct not expressly addressed in CAO LIS 06-037.

SO ORDERED THIS 6<sup>th</sup> DAY OF September, 2011.

  
TERESA MARKS, DIRECTOR

APPROVED AS TO FORM AND CONTENT:

LITTLE ROCK WASTEWATER

BY: Signature Reggie A. Corbitt  
Print or Type Name Reggie A. Corbitt  
Title CEO  
Date Sept 02, 2011