



October 4, 2019

CERTIFIED MAIL: 9489009000276060655729

Honorable Demetrous Trotter, Mayor
Honorable David Haynes, Council Member
Honorable Anthony Horn, Council Member
Honorable Thomas Horn, Jr., Council Member
Honorable Earl Railey, Council Member
Honorable Judy Yolanda White, Council Member
City of Winchester
P.O. Box 52
Winchester, AR 71667

Via Email: cityofwinchester@yahoo.com

**RE: Warning Letter and Corrective Action Plan Request
City of Winchester
NPDES Permit No.: Unpermitted, AFIN: 22-00394**

Dear Mayor Trotter and the City of Winchester Council Members:

On June 21, 2019, the Division of Environmental Quality (DEQ) Office of Water Quality (OWQ) received a complaint of unpermitted discharges to Coon Bayou. DEQ investigated this complaint. The investigation revealed an engineering report regarding Winchester Wastewater Improvements that states that sewage leaches from septic tanks and discharges into ditches that flow into Coon Bayou. The engineering report also proposed the connection of City of Winchester sewer to City of Dumas Wastewater. On August 2, 2019, OWQ received a second complaint regarding unpermitted discharges to Coon Bayou. These unpermitted discharges are violations of the Federal Clean Water Act, 33 U.S.C. §1311(a) *et seq.*, Arkansas Water and Air Pollution Control Act., Ark. Code Ann. § 8-4-101 *et seq.*, and the regulations and rules promulgated thereunder. Specifically, discharging sewage into waters of the state without having first obtained a written permit from DEQ is a violation of Arkansas Pollution Control and Ecology Commission Regulation 6.106, Ark. Code Ann. § 8-4-217(b)(e), and Ark. Code Ann. § 8-4-217(a)(3).

Any violation of the Arkansas Water and Air Pollution Control Act subjects the City to an enforcement action by DEQ pursuant to Ark. Code Ann. § 8-4-103(c)(1)(A), which 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 Arkansas Water and Air Pollution Control Act and any regulation or permit issued pursuant to Arkansas Water and Air Pollution Control Act. In addition, pursuant to Ark. Code Ann. § 8-4-103(c)(1)(B), “[e]ach day of a continuing violation may be deemed a separate violation for purposes of penalty assessment.”

City of Winchester shall take immediate action to stop all unpermitted discharges. OWQ requests City of Winchester submit, within fourteen (14) calendar days of receipt of this letter, a copy of the signed agreement with City of Dumas for the sewer connection to City of Dumas Wastewater or a Corrective Action Plan, prepared by a Professional Engineer licensed in the state of Arkansas, detailing the actions that will be taken to prevent further unpermitted discharges to waters of the state. Failure to address these unpermitted discharges and provide the requested items may result in formal enforcement by DEQ.

Should you have any questions concerning this matter, please do not hesitate to contact me at 501-682-0640, or by email at healey@adeq.state.ar.us

Sincerely,



Richard Healey
Enforcement Branch Manager
Office of Water Quality

CC: Honorable Flora J. Simon, Mayor, City of Dumas, dumasarmayor@gmail.com
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