ARKANSAS DEPARTMENT OF ENERGY AND ENVIRONMENT,
DIVISION OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

AFIN: 59-00025 Case #: CAO-26-0044

City of Des Arc
P.O. Box 389
Des Arc, AR 72040

Consent Administrative Order

This Consent Administrative Order (CAO) is issued pursuant to the authority delegated under the Arkansas Water and Air Pollution Control Act, Ark. Code Ann. § 8-4-101 et seq., the Federal Water Pollution Control Act, 33 U.S.C. § 1311 et seq., and the rules issued thereunder by the Pollution Control and Ecology Commission (PC&EC) and codified under Title 8 of the Code of Arkansas Rules.

The issues herein having been settled by agreement of the City of Des Arc (Respondent) and the Director of the Arkansas Department of Energy and Environment, Division of Environmental Quality (DEQ), it is hereby agreed and stipulated that the following Findings of Fact and Order and Agreement be entered.

Findings of Fact

1. Respondent operates a publicly owned treatment works located on East Lovers Lane, Des Arc, Prairie County, Arkansas (Site).
2. DEQ issued National Pollutant Discharge Elimination System (NPDES) Permit AR0022225 (Permit) to Respondent on February 4, 2021, with an effective date of March 1, 2021, and expiration date of February 28, 2026.

SEEK Watermark

3. Respondent discharges treated municipal wastewater to the White River in Segment 4D of the White River Basin.

4. Arkansas Code Annotated § 8-4-217(a)(3) provides:

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

...

(3) Violate any provisions of this chapter or of any rule or order adopted by the Arkansas Pollution Control and Ecology Commission under this chapter or of a permit issued under this chapter by the Division of Environmental Quality.

5. Pursuant to Ark. Code Ann. § 8-4-103(c)(1)(A)-(B):

(A) Any person that violates any provision of this chapter and rules, permits, or plans issued pursuant to this chapter may be assessed an administrative civil penalty not to exceed ten thousand dollars ($10,000) per violation.

(B) Each day of a continuing violation may be deemed a separate violation for purposes of penalty assessment.

6. Respondent is regulated pursuant to the NPDES program.

7. DEQ is authorized under the Arkansas Water and Air Pollution Control Act ("Act") to issue NPDES permits in the state of Arkansas and to initiate an enforcement action for any violation of a NPDES permit.

8. Pursuant to the Federal Clean Water Act, 33 U.S.C. § 1311(a), the NPDES program prohibits the discharge of pollutants except as in compliance with a permit issued under the NPDES program in accordance with 33 U.S.C. § 1342.

9. List of Violations:

SEEK Watermark

(a) Failure to submit a complete permit renewal application at least 180 days before the expiration date of the permit. (NPDES Part III.D.10; Ark. Code Ann. § 8-4- 217(a)(3)) On February 28, 2025, and June 2, 2025, DEQ notified Respondent that the permit would expire on February 28, 2026, and a complete permit renewal application was due by September 1, 2025. To date, Respondent has not submitted a permit renewal application to DEQ.

Order and Agreement

WHEREFORE, the parties stipulate and agree as follows:

1. On or before the effective date of this CAO, Respondent shall submit an administratively complete permit renewal application to DEQ.
2. Respondent shall comply with the current permit until the effective date of the renewal permit or the effective date of the permit termination.
3. In compromise and full settlement of the violations specified in the Findings of Fact, Respondent agrees to pay a civil penalty of One Thousand dollars ($1000.00), or one-half of the penalty, Five Hundred dollars ($500.00) if this CAO is signed and returned to DEQ within twenty (20) calendar days of receipt of this CAO. Ten percent (10%) of the total penalty shall be paid as reimbursement to DEQ for administrative costs associated with this CAO. Payment is due within thirty (30) calendar days after the effective date of this CAO. Payment can be made online using the Financials tab of your site in SEEK or mailed in by check. The Compliance Action Number should be referenced in the memo line of paper checks and be made payable to: DEQ, Fiscal Division, 5301 Northshore Drive, North Little Rock, Arkansas 72118-5317. In the event that Respondent fails to pay the civil penalty within the prescribed time, DEQ shall be entitled to attorneys' fees and costs

SEEK Watermark

associated with collection.

4. All requirements of this CAO are subject to approval by DEQ. In the event of any deficiency, Respondent shall, within the timeframe specified by DEQ, submit any additional information or changes requested, or take additional actions specified by DEQ to correct any such deficiencies. Failure to respond adequately to the notice of deficiency within the timeframe specified by DEQ constitutes a failure to meet the requirements established by this CAO and is subject to the civil penalties established in the following paragraph.

5. Failure to meet any term(s) of this CAO or the applicable approved schedules provided for herein constitutes a violation of this CAO. If Respondent fails to meet any term(s) of this CAO, Respondent shall pay, on demand, to DEQ civil penalties according to the following schedule:

(a) First day through the fourteenth day:	$100 per day
(b) Fifteenth day through the thirtieth day:	$500 per day
(c) More than thirty days:	$1,000 per day

Stipulated penalties shall be paid within thirty (30) calendar days of receipt of DEQ's demand to Respondent for such penalties. These stipulated penalties may be imposed for delay in scheduled performance and shall be in addition to any other remedies or sanctions that may be available to DEQ by reason of Respondent's failure to comply with the requirements of this CAO.

6. If any event, including, but not limited to, an occurrence of nature, causes or may cause a delay in the achievement of compliance by Respondent with the requirements or deadlines of this CAO, Respondent shall notify DEQ in writing as soon as reasonably possible after it is apparent that a delay will result, but in no case after the due dates have passed. The

SEEK Watermark

notification shall describe in detail the anticipated length of the delay, the precise cause of the delay, the measures being taken and to be taken to minimize the delay, and the timetable by which those measures will be implemented.

7. DEQ may grant an extension of any provision of this CAO, provided that Respondent requests such an extension in writing and provided that the delay or anticipated delay has or will be caused by circumstances beyond the control of and without the fault of Respondent. The time for performance may be extended for a reasonable period, but in no event longer than the period of delay resulting from such circumstances. The burden of proving that any delay is caused by circumstances beyond the control of and without the fault of Respondent and the length of the delay attributable to such circumstances shall rest with Respondent. Failure to notify DEQ promptly, as provided in the previous paragraph of the Order and Agreement, shall be grounds for a denial of an extension.

8. This CAO is subject to public review and comment in accordance with Ark. Code Ann. § 8-4-103(d) and therefore is not effective until thirty (30) calendar days after public notice of the CAO is given. DEQ retains the right and discretion to rescind this CAO based on comments received within the thirty (30) day public comment period. Notwithstanding the public notice requirements, the corrective actions necessary to achieve compliance shall be taken immediately.

9. As provided by 8 CAR pt. 11, this matter is subject to being reopened upon Pollution Control and Ecology Commission (Commission) initiative or in the event a petition to set aside this CAO is granted by the Commission.

10. Nothing contained in this CAO shall relieve Respondent of any obligations imposed by any other applicable local, state, or federal laws. Except as specifically provided herein,

SEEK Watermark

nothing contained in this CAO shall be deemed in any way to relieve Respondent of responsibilities contained in the permit.

11. Nothing in this CAO shall be construed as a waiver by DEQ of its enforcement authority over alleged violations not specifically addressed herein. In addition, this CAO neither exonerates Respondent from any past, present, or future conduct that is not expressly addressed herein, nor relieves Respondent of the responsibilities for obtaining any necessary permits.

12. This CAO has been reviewed and approved by the City Council of Respondent in a duly convened meeting with a quorum present. It is the intention of the City Council to be bound by the terms in this CAO. See meeting minutes or resolution attached as Exhibit A.

13. The City Council of Respondent has authorized the Mayor and the City Clerk/Treasurer to sign this CAO on behalf of the City. See Exhibit A.

14. The City Council of Respondent has authorized the Mayor and City Clerk/Treasurer to expend funds for any compliance activities required by this CAO including but not limited to the payment of any civil penalty in the amount set forth above. See Exhibit A.

It is so ordered.

SEEK Watermark

Digitally signed by:
SEEK Prod - Internal
Date: 2026.07.31 14:35:51 -05:00
Reason: Copy Of Record
Location: State of Arkansas

Consent Administrative Order - Approval Form

version 1.8

(Submission #: HQQ-85S5-1WZ9P, version 1)

Details

Submission ID HQQ-85S5-1WZ9P

Form Input

Consent Administrative Order

Case Number
CAO-26-0044

Consent Administrative Order Attachment
ENF - CAO.pdf - 07/22/2026 03:18 PM
Comment
NONE PROVIDED

SEEK Watermark

Agreements and Signature(s)

Submission Agreements

- ☑ I am the owner of the account used to perform the electronic submission and signature.
- ☑ I have the authority to submit the data on behalf of the facility I am representing.
- ☑ I agree that providing the account credentials to sign the submission document constitutes an electronic signature equivalent to my written signature.
- ☑ I have reviewed the electronic form being submitted in its entirety, and agree to the validity and accuracy of the information contained within it to the best of my knowledge.

Respondent Signatory Authority

I certify that I am authorized to execute this CAO and to legally bind Respondent to its terms and conditions.

Signed By Roger Scott on 07/23/2026 at 4:02 PM
odi0rsmZ4606X5Zff+FmJLbLOfvyOZKO+Fc5dxLzTU4N09a+s42NnIgFwa+zQQDqPRhZ5QRpK4HUWq1jHEMA8Q==

Chief Administrator of Environment and DEQ Director, Arkansas Department of Energy and Environment

This CAO is agreed to and ordered as of the date of my signature.

Signed By Bailey Taylor on 07/31/2026 at 2:35 PM
ca/8JgUtQFT8MR972rD01hH0Nk357zwm7naBDr72ER5lA0dcsT63OA+SNYo/darmKReTtR97bqQIMZXHqFtGSw==

SEEK Watermark

RESOLUTION NO. 2026-14

A RESOLUTION AUTHORIZING THE CITY OF DES ARC TO ENTER INTO A CONSENT ADMINISTRATIVE ORDER WITH THE ARKANSAS DEPARTMENT OF ENERGY & ENVIRONMENT, DIVISION OF ENVIRONMENTAL QUALITY (DEQ)

***WHEREAS**, it is in the City's best interest to enter into an agreement with DEQ and resolve the violations of the Arkansas Water and Air Pollution Control Act listed in the proposed Consent Administrative Order.*

***WHEREAS**, the Mayor and Public Works Director or other designated person, working with a Professional Engineer, have developed a plan of action to address the issues listed in the proposed Consent Administrative Order.*

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES ARC:

1. *The proposed Consent Administrative Order has been reviewed and approved by the City Council in a duly convened meeting with a quorum present.*
2. *The City Council of the City of Des Arc authorizes the Mayor to sign the proposed Consent Administrative Order.*
3. *The City Council of the City of Des Arc authorizes the Mayor and treasurer to expend funds for compliance activities required by the proposed Consent Administrative Order including but not limited to the payment of a civil penalty as set forth in the proposed Consent Administrative Order.*

Adopted on this 20 day of OCT, 2026.

APPROVED: Roger Scott
Mayor

ATTEST: Janice Huffstickler
Recorder - Treasurer

SEEK Watermark