

ARKANSAS DEPARTMENT OF ENERGY AND ENVIRONMENT
DIVISION OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

MWM Development, LLC
d/b/a Deer Creek Springs Subdivision
P.O. Box 193868
Little Rock, AR 72219

Case #: CAO-010489
Permit No. AR0050628
AFIN 27-00332

CONSENT ADMINISTRATIVE ORDER

This Consent Administrative Order (“Order”) is issued pursuant to the authority of 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 rules issued thereunder by Arkansas Pollution Control and Ecology Commission (PC&EC).

The issues herein having been settled by the agreement of the MWM Development, LLC – Deer Creek Springs Subdivision (Respondent) and the 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 minor domestic wastewater treatment facility (“facility”) located at 14280 Highway 167, Hensley, Grant County, Arkansas.
2. Respondent discharges treated wastewater to Kelly Branch, thence to Duck Creek, thence to Clear Creek, thence to Ferguson Lake, thence to Clear Creek, thence to Pennington Bayou, thence to the Arkansas River in Segment 3C of the Arkansas River Basin.

3. Respondent is regulated pursuant to the National Pollutant Discharge Elimination System (NPDES).

4. Pursuant to the federal Clean Water Act, 33 U.S.C. § 1311(a) *et seq.*, 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(a).

5. 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.

6. Ark. Code Ann. § 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 [PC&EC] under this chapter or of a permit issued under this chapter by the [DEQ].

7. Ark. Code Ann. § 8-4-103(c)(1)(A) 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 rule or permit issued pursuant to the Act.

8. 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.”

9. DEQ issued a renewal of NPDES Permit Number AR0050628 (“Permit”) to Respondent on January 24, 2023. The renewal Permit became effective on February 1, 2023, and expires on January 31, 2028.

DMR Violations

10. On June 9, 2025, DEQ conducted a review of certified Discharge Monitoring Reports (DMRs) submitted by Respondent in accordance with the Permit.

11. The review revealed that Respondent reported the following violations of the permitted effluent discharge limits detailed in Part I.A of the Permit from April 1, 2022, through April 30, 2025:

- a. Ten (10) violations of Ammonia Nitrogen;
- b. Eight (8) violations of Total Suspended Solids;
- c. Six (6) violations of Fecal Coliform Bacteria; and
- d. Four (4) violations of Carbonaceous Biochemical Oxygen Demand.

12. Each of the twenty-eight (28) discharge limitation violations listed in Paragraph 11 above constitutes a separate permit violation for a total of twenty-eight (28) separate violations of Ark. Code Ann. § 8-4-217(a)(3).

13. The review of the DMRs revealed that Respondent failed to submit Non-Compliance Reports (NCRs) for effluent violations reported during the following four (4) monitoring periods:

- a. 2022: April, June; and
- b. 2023: September, October.

Failure to submit an NCR for each effluent violation is a violation of Part III.D.7 of the Permit and therefore is a violation of Ark. Code Ann. § 8-4-217(a)(3).

14. The review of the DMRs further revealed that Respondent failed to submit DMRs by the due date for the following four (4) monitoring periods:

- a. 2023: June, September;
- b. 2024: January and June.

Failure to submit DMRs with the monitoring results obtained during the monitoring period no later than the 25th of the month following the completed monitoring period is a violation of Part III.C.5 of the Permit and therefore is a violation of Ark. Code Ann. § 8-4-217(a)(3).

15. The review of the DMRs also revealed that Respondent failed to conduct analysis at outfall 001-F for the monitoring period ending January 31, 2024. Failure to monitor the effluent in accordance with the requirements set forth in Part I.A of the Permit is a violation of Part I.A of the Permit and therefore is a violation of Ark. Code Ann. § 8-4-217(a)(3).

16. On June 16, 2025, and June 19, 2025, DEQ met with Respondent to discuss the above-referenced non-compliance issues.

17. On June 20, 2025, DEQ proposed a Consent Administrative Order (CAO) to Respondent.

18. On June 30, 2025, Respondent submitted a letter requesting changes to the CAO. The letter included a list and schedule of improvements to the facility.

ORDER AND AGREEMENT

WHEREFORE, the parties stipulate and agree as follows:

1. Respondent shall immediately comply with all permitted effluent limits, unless a Corrective Action Plan (CAP) is submitted, as provided in Paragraph 2 of this Order, and approved by DEQ, in which case, Respondent shall comply with all permitted effluent limits no later than December 31, 2027.

2. If unable to immediately comply with all permitted effluent limits, Respondent shall, within sixty (60) calendar days of the effective date of this Order, submit to DEQ, for review and approval, a comprehensive CAP developed by a Professional Engineer licensed in the state of Arkansas. The CAP shall include, at minimum, the methods and best available technologies that will be used to correct the violations listed in the Findings of Fact and prevent future violations and include a reasonable milestone schedule with a date of final compliance no later than

December 31, 2027. Upon review and approval by DEQ, Respondent shall comply with the terms, milestone schedule, and final compliance date contained in the approved CAP. The milestone schedule and final compliance date shall be fully enforceable as terms of this Order.

3. If a CAP is submitted, on or before the fifteenth (15th) day of the month following the effective date of this Order, and each quarter thereafter for a period lasting until this Order is closed, Respondent shall submit quarterly progress reports detailing the progress that has been made towards compliance with the permitted effluent limits set forth in Part I.A of the Permit. On or before December 31, 2027, Respondent shall submit a final compliance report that includes a certification of compliance, signed and stamped by a Professional Engineer licensed in the state of Arkansas.

4. Respondent shall submit NCRs in accordance with Part III.D.7 of the Permit using the form located at <https://www.adeg.state.ar.us/water/enforcement/pdfs/ncr-form.pdf>.

5. Respondent shall submit all DMRs in accordance with Part III.C.5 of the Permit.

6. Respondent shall sample all effluent in accordance with Part I.A of the Permit.

7. In compromise and full settlement of the violations specified in the FINDINGS OF FACT, Respondent agrees to pay a civil penalty of Eleven Thousand Six Hundred Dollars (\$11,600.00), of which Eight Thousand Seven Hundred Dollars (\$8,700.00) shall be conditionally SUSPENDED by DEQ. The allowance of a conditional suspension is based upon DEQ's primary goal of regulatory compliance. If Respondent fully complies with this CAO, the suspended penalty of Eight Thousand Seven Hundred Dollars (\$8,700.00) shall be DISMISSED by DEQ. The suspension and dismissal of civil penalties is contingent upon Respondent complying with the terms of this CAO, including payment of the civil penalty. Ten percent (10%) of the total penalty shall be paid as reimbursement to DEQ for administrative costs associated with this CAO. If

Respondent violates any term of this CAO, the full balance of Eleven Thousand Six Hundred Dollars (\$11,600.00) shall become payable immediately to DEQ. Payment of Two Thousand Nine Hundred Dollars (\$2,900.00) 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. Paper check payments require the Compliance Action Number be referenced in the memo line of the check 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 associated with collection. Failure to meet any requirement or deadline of this Order constitutes a violation of this Order. If Respondent should fail to meet any such requirements or deadlines, Respondent consents and agrees to pay on demand to DEQ stipulated penalties according to the following schedule:

- a. First day through fourteenth day: \$100.00 per day
- b. Fifteenth day through the thirtieth day: \$500.00 per day
- c. Each day beyond the thirtieth day: \$1000.00 per day

These stipulated penalties for delay in performance shall be in addition to any other remedies or sanctions that may be available to DEQ by reason of failure by Respondent to comply with the requirements of this Order.

8. If any event, including but not limited to an act of nature, occurs that causes or may cause a delay in the achievement of compliance by Respondent with the requirements or deadlines of this Order, Respondent shall so 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 specified in this Order. The 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.

9. DEQ may grant an extension of any provision of this Order if Respondent requests such an extension in writing, and 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. Respondent has the burden of proving that any delay is caused by circumstances beyond the control and without the fault of Respondent, as well as the length of the delay attributable to such circumstances. Failure to notify DEQ promptly, as provided in the preceding paragraph of this Section, shall be grounds for a denial of an extension.

10. All requirements by the Order and Agreement are subject to approval by DEQ. Unless otherwise specified herein, in the event of any deficiencies, 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 such Notice of Deficiency within the timeframe specified in writing by DEQ constitutes a failure to meet the requirements established by this Order.

11. This Order is subject to public review and comment in accordance with Ark. Code Ann. § 8-4-103(d) and 8 CAR pt. 11, and shall not be effective until thirty (30) calendar days after public notice is given. DEQ retains the right to rescind this Order based upon the comments received within the thirty (30) calendar day public comment period. Notwithstanding the public notice requirements, the corrective actions necessary to achieve compliance shall be taken immediately. The publication of this Order shall occur on or about the 10th or 25th day of the month following the date this Order is executed. As provided by 8 CAR pt. 11, this matter is subject to being reopened upon Commission initiative, or in the event a petition to set aside this Order is granted by the Commission.

12. Nothing in this Order shall be construed as a waiver by DEQ of its enforcement authority over alleged violations not specifically addressed herein. Also, this Order does not exonerate Respondent from any past, present, or future conduct that is not expressly addressed herein, nor does it relieve Respondent of its responsibilities for obtaining any necessary permits.

13. By virtue of the signature appearing below, the individual represents that he or she is a Managing Member of Respondent, being duly authorized to execute and bind Respondent to the terms contained herein as attested by the secretary of said entity. Execution of this Order by an individual other than a Managing Member of Respondent shall be accompanied by a resolution granting signature authority to said individual as duly ratified by the governing body of the entity.

SO ORDERED THIS _____ DAY OF _____, 2025.

BAILEY TAYLOR, CHIEF ADMINISTRATOR OF ENVIRONMENT AND DEQ DIRECTOR
ARKANSAS DEPARTMENT OF ENERGY AND ENVIRONMENT

APPROVED AS TO FORM AND CONTENT:

MWM Development, LLC
d/b/a Deer Creek Springs Subdivision

BY: _____
(Signature)

(Typed or printed name)

TITLE: _____

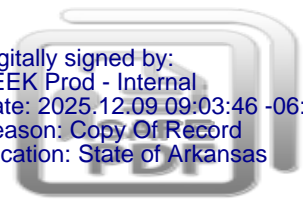
DATE: _____

Consent Administrative Order - Approval Form

version 1.7

(Submission #: HQH-C7RJ-M438T, version 1)

Digitally signed by:
SEEK Prod - Internal
Date: 2025.12.09 09:03:46 -06:00
Reason: Copy Of Record
Location: State of Arkansas



Details

Submission ID HQH-C7RJ-M438T

Form Input

Consent Administrative Order

Case Number

CAO-010489

Consent Administrative Order Attachment

[CAO-010489.pdf - 11/25/2025 10:18 AM](#)

Comment

NONE PROVIDED

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 Ralph McDaniel on 11/26/2025 at 11:04 AM

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 12/09/2025 at 9:03 AM