

ARKANSAS DEPARTMENT OF ENERGY AND ENVIRONMENT
DIVISION OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

Woodlawn School District #6
6760 Hwy 63
Rison, AR 71665

LIS No. 23-006
Permit No. AR0048569
AFIN 13-00201

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 (APC&EC).

The issues herein having been settled by the agreement of the Woodlawn School District #6 (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 school with a wastewater treatment facility (“facility”) located at 6760 Hwy 63, Rison, Cleveland County, Arkansas.
2. Respondent discharges treated wastewater to an unnamed tributary, thence into Hudgen Creek, thence into the Saline River, thence into the Ouachita River in Segment 2C of the Ouachita 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 an 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 [APC&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 NPDES Permit Number AR0048569 (“Permit”) to Respondent on January 23, 2019. The Permit became effective on February 1, 2019, and expires on January 31, 2024.
10. On June 23, 2021, 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, Section A of the Permit from February 1, 2020, through May 31, 2021:

- a. Eight (8) violations of Total Suspended Solids;
- b. Eight (8) violations of Oil & Grease;
- c. Eight (8) violations of Fecal Coliform Bacteria;
- d. Seven (7) violations of Ammonia Nitrogen;
- e. Two (2) violations of Biochemical Oxygen Demand; and
- f. One (1) violations of pH.

12. Each of the thirty-four (34) discharge limitation violations listed in Paragraph 11 above constitutes a separate permit violation for a total of thirty-four (34) separate violations of Ark. Code Ann. § 8-4-217(a)(3).

13. On June 23, 2021, DEQ sent Respondent a letter requesting a Corrective Action Plan (CAP). The CAP was to have a milestone schedule, a final date of compliance, and be certified by a Professional Engineer (P.E.) licensed in the state of Arkansas.

14. On July 21, 2021, Respondent submitted a CAP to DEQ with a final compliance date of August 15, 2022.

15. On July 22, 2021, DEQ sent Respondent a letter approving the CAP submitted on July 21, 2022, and requested that quarterly progress reports be submitted.

16. Respondent submitted quarterly progress reports to DEQ on August 13, 2021, November 15, 2021, May 13 2022, and August 12, 2022.

17. On July 29, 2022, DEQ conducted a review of certified DMRs submitted by Respondent in accordance with the Permit.

18. The review revealed that Respondent reported the following violations of the permitted effluent discharge limits detailed in Part I, Section A of the Permit from June 1, 2021, through June 30, 2022:

- a. Sixteen (16) violations of Ammonia Nitrogen; and
- b. One (1) violations of Total Suspended Solids.

19. Each of the seventeen (17) discharge limitation violations listed in Paragraph 18 above constitutes a separate permit violation for a total of seventeen (17) separate violations of Ark. Code Ann. § 8-4-217(a)(3).

ORDER AND AGREEMENT

WHEREFORE, the parties stipulate and agree as follows:

1. Within thirty (30) calendar days of the effective date of this Order, Respondent shall submit to DEQ, for review and approval, a Revised CAP (RCAP) developed by a Professional Engineer licensed in the state of Arkansas. The RCAP shall include, at minimum, the methods and best available technologies that will be used to correct the violations listed in Findings of Fact Paragraph 11 and 18 and prevent future violations. The RCAP shall also include a reasonable milestone schedule with a date of final compliance no later than December 31, 2023. Upon review and approval by DEQ, Respondent shall comply with the terms, milestone schedule, and final compliance date contained the approved RCAP. The milestone schedule and final compliance date shall be fully enforceable as terms of this Order.

2. On or before the fifteenth (15th) day of the month beginning 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. The quarterly progress reports shall detail the progress that has been made towards compliance with the final permitted effluent limits set forth in Part I, Section A of the Permit. Respondent shall submit the final compliance report by December 31, 2023. The final compliance report shall be stamped by a P.E. and certify that the facility is in compliance with the Permit and is capable of maintaining compliance with the terms and conditions of the Permit.

3. In compromise and full settlement of the violations specified in the Findings of Fact, Respondent agrees to pay a civil penalty of Seven Thousand Two Hundred Dollars (\$7200.00), of which Seven Thousand Two Hundred Dollars (\$7200.00) shall be conditionally SUSPENDED by DEQ. If Respondent fully complies with this Order, the suspended civil penalty of Seven Thousand Two Hundred Dollars (\$7200.00) shall be DISMISSED by DEQ. The suspension and dismissal of civil penalties is contingent upon Respondent complying with the terms of this Order. If Respondent violates any term of this Order, the full balance of Seven Thousand Two Hundred Dollars (\$7200.00) shall be payable immediately to DEQ. Payment of the penalty shall be made payable to the Division of Environmental Quality, and mailed to the attention of: DEQ, Fiscal Division

5301 Northshore Drive
North Little Rock, AR 72118

In the event that Respondent fails to pay the civil penalty within the prescribed time, DEQ shall be entitled to attorneys' fees and costs of collection.

4. 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.

5. 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.

6. 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.

7. 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.

8. This Order is subject to public review and comment in accordance with Ark. Code Ann. § 8-4-103(d) and APC&EC Rule 8 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) 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 APC&EC Rule 8, 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.

9. 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.

10. This Order has been reviewed and approved by the School Board of Respondent in a duly convened meeting with a quorum present. See copy of [meeting minutes or resolution] attached as Exhibit A.

11. The School Board of Respondent has authorized the Superintendent to sign this Order on behalf of Respondent. See Exhibit A.

12. The School Board of Respondent has authorized the Superintendent to expend funds for compliance activities required by this Order including but not limited to the payment of a civil penalty as set forth in this Order. See Exhibit A.

SO ORDERED THIS 15~~th~~ DAY OF DECEMBER, 2022.



JULIE LINCK, CHIEF ADMINISTRATOR, ENVIRONMENT

APPROVED AS TO FORM AND CONTENT:

Woodlawn School District #6

BY: 

(Signature)

KEVIN HANCOCK

(Typed or printed name)

TITLE: Superintendent, Woodlawn School District

DATE: 4/29/2022

**MINUTES
WOODLAWN PUBLIC SCHOOL
BOARD OF EDUCATION
DECEMBER 12, 2022**

- (1.) Call to order at 7:01 p.m.
- (2.) Roll call and recognition of guests.
Present: Shane Dixon, Aaron Tooke, Rodger Stewart, David Stover
Guests: Barbara Varnell, TJ Hill, Kevin Hancock,
- (3.) Presentation from Senior High Choir
- (4.) Consent agenda approved by acclamation.
 - a. Approval of Agenda
 - b. Minutes of the November 15, 2022 regular board meeting
 - c. Approval of the Financial Report
 - d. Superintendent's Report
- (5.) Motion was made by Shane Dixon and seconded by Rodger Stewart to approve Proposed Consent Administrative Order.
Voting yes: Shane Dixon, Aaron Tooke, Rodger Stewart, David Stover
Voting No:
- (6.) No New Business was discussed.
- (7.) Approved to adjourn by acclamation at 7:55 p.m.

Board Approval this 12th day of JANUARY 2023

President: 

Secretary: 

AGENDA
WOODLAWN PUBLIC SCHOOL
BOARD OF EDUCATION
DECEMBER 12, 2022

- (1.) Call to order.
- (2.) Roll Call and recognition of guests.
- (3.) Presentation from Senior High Choir.
- (4.) Consent Agenda: *All of the following items, which concern reports and items of a routine nature normally approved at a board meeting, will be approved by one board vote, unless any board member desires to have a separate vote on any or all of these items. The consent agenda consists of the discussion, consideration, and approval of the following items:*
 - a. Approval of Agenda
 - b. Minutes of the November 15, 2022 regular board meeting
 - c. Approval of the Financial Report
 - d. Superintendent's Report
- (5.) Discussion and possible action for Proposed Consent Administrative Order and update from Harbor Environmental and Safety.
- (6.) Discussion and possible action concerning any new business.
- (7.) Discussion and possible action to convene or not convene into executive session. *Executive session will be permitted only for the purpose of considering employment, appointment, promotion, demotion, disciplining, or resignation of any public officer or employee.*
- (8.) Discussion and possible action on any other unforeseen personnel items from executive session which are permitted for the purpose of an executive session.
- (9.) Vote to adjourn.

FYI: Next Regular School Board Meeting – Monday, January 9, 2023