

ARKANSAS DEPARTMENT OF ENERGY AND ENVIRONMENT
DIVISION OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

The Hounds' Hideaway Rogers, LLC
2720 Woods Lane
Rogers, AR 72756

LIS No. 25- 029
Permit Number: 5339-W
AFIN 04-02595

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 the rules issued thereunder by Arkansas Pollution Control and Ecology Commission (APC&EC).

The issues herein having been settled by the agreement of The Hounds' Hideaway Rogers, LLC (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 septic tank and subsurface fluid distribution system for wastewater from a dog daycare, boarding, and grooming facility ("Facility") located at 2720 Woods Lane, Rogers, Benton County, Arkansas.
2. Respondent is regulated pursuant to the Arkansas Water and Air Pollution Control Act ("Act"), Ark. Code Ann. § 8-4-101 *et seq.* and APC&EC Rule 17, Arkansas Underground Injection Control (UIC) Code.
3. DEQ is authorized under the Act to issue permits in the state of Arkansas for the operation of disposal systems or any part of them and to initiate an enforcement action for any violation of a permit issued pursuant to the Act.

4. 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].

5. 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.

6. 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.”

Late Permit Renewal Application

7. DEQ issued No-Discharge Permit Number 5339-W (“Permit”) to Respondent on September 17, 2019. The Permit became effective on October 1, 2019, and expires on September 30, 2024.

8. Respondent intends to operate this Facility beyond the expiration date of the current permit, September 30, 2024.

9. On September 12, 2023, and January 2, 2024, DEQ notified Respondent that the Permit would expire on September 30, 2024, and that in order to continue the regulated activity, a complete renewal application must be submitted no later than April 3, 2024.

10. To date, Respondent has not submitted a complete permit renewal application.

11. The complete Permit renewal application was not received by April 3, 2024. Failure to submit the complete Permit renewal application by April 3, 2024, is a violation of Part II, Condition 21 of the Permit and therefore is a violation of Ark. Code Ann. § 8-4-217(a)(3).

Overdue Permit Fees

12. DEQ is authorized by Ark. Code Ann. § 8-1-103 to charge fees for issuance, modification, and annual review of permits. APC&EC Rule 9.301(D) provides that:

A permitted facility failing or refusing to pay the annual fee in a timely manner shall be subject to a late payment charge as established in these regulations. Continued refusal to pay the required fees after a reasonable notice shall constitute grounds for legal action by the Division, which may result in revocation of the permit.

13. On September 6, 2022, DEQ issued invoice number PDS-195610 for annual fees for No-Discharge Permit Number 5339-W with the amount of two hundred dollars (\$200.00). Respondent failed to make payment by the due date stated on the invoice and late charges of twenty dollars (\$20.00) accrued.

14. As of this date, Respondent failed to pay the invoice and the accrued late fees. The total amount due and owing for PDS-195610 is two hundred twenty dollars (\$220.00). This failure is a violation of Part II, Condition 9 of the Permit and APC&EC Rule 9.301(D) and therefore is a violation of Ark. Code Ann. § 8-4-217(a)(3).

ORDER AND AGREEMENT

WHEREFORE, the parties stipulate and agree as follows:

1. On or before the effective date of this Order, Respondent shall submit an administratively complete permit renewal application.
2. Respondent shall comply with the existing Permit until either the effective date of the permit renewal or the effective date of the permit termination.

3. Within sixty (60) days of the effective date of this Order, Respondent shall conduct and submit the results of a feasibility study for the connection of Respondent's collection system to the City of Rogers' collection system. The feasibility study shall include a minimum of the following information:

a. Technical Analysis

- i. Evaluate the City of Rogers' wastewater collection system, including pipe sizes, flow rates, and condition of existing lines to determine if they can handle the additional flow to their treatment plant.
- ii. Analyze the geographical distance between the Respondent's wastewater collection system and the City of Rogers' treatment plant, considering elevation changes and potential challenges like crossing roads or bodies of water.
- iii. Assess if additional pumping stations are required to ensure adequate flow to the City of Rogers' collection system.
- iv. Compare the wastewater characteristics of Respondent's treatment system with the City of Rogers' treatment system to ensure compatibility and avoid potential treatment issues.

b. Economic Analysis

- i. Estimate the cost of constructing a new pipeline, including excavation, installation, and connection fees.
- ii. Analyze the anticipated operating expenses of pumping and treatment of Respondent's effluent, including potential fees associated with the connection.

iii. Compare the costs of connecting to another treatment plant with the cost of upgrading or expanding the existing facility.

iv. Evaluate funding options and potential cost recovery mechanisms.

c. Environmental Analysis

i. Identify necessary permits from regulatory agencies for construction and operation of the new pipeline and connection to the receiving treatment plant.

ii. Assess the potential impact of additional wastewater flow on the capacity and performance of the City of Rogers' treatment plant.

iii. Evaluate potential environmental impacts of construction activities, including soil disturbance, water quality changes, and potential impacts on wildlife habitats.

d. Legal Analysis:

i. Review the legal framework for inter-jurisdictional wastewater treatment, including potential agreements with the City of Rogers' treatment plant operator.

ii. Assess land ownership and access requirements for pipeline construction.

iii. Ensures the proposed project adheres to all applicable wastewater discharge standards and regulations

4. On or before the effective date of this Order, Respondent shall pay Two Hundred Twenty Dollars (\$220.00) for the annual and past due fees associated with invoice PDS-195610. The total amount shall be made payable to the Division of Environmental Quality and mailed to:

DEQ, Fiscal Division
PDS-195610
5301 Northshore Drive

North Little Rock, AR 72118-5317

5. 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 full civil penalty of Five Hundred Dollars (\$500.00) if this Order is signed and returned to the Office of Water Quality Enforcement Branch, DEQ, 5301 Northshore Drive, North Little Rock, Arkansas, 72118-5317, within twenty (20) calendar days of receipt of this Order. Payment is due within thirty (30) calendar days of the effective date of this Order. Payment of the penalty shall be made payable to the Division of Environmental Quality, and mailed to the attention of:

Division of Environmental Quality
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.

6. 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.

7. 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.

8. DEQ may grant an extension of any provision of this Order, 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 preceding paragraph of this Section, shall be grounds for a denial of an extension.

9. 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.

10. 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) 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 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.

11. 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.

12. 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 9 DAY OF APRIL, 2025.

Bailey Taylor
BAILEY TAYLOR, DIVISION OF ENVIRONMENTAL QUALITY, DIRECTOR
CHIEF ADMINISTRATOR, ENVIRONMENT

APPROVED AS TO FORM AND CONTENT:

The Hounds' Hideaway Rogers, LLC

BY: Tracee Harrison
(Signature)

TRACEE HARRISON
(Typed or printed name)

TITLE: President

DATE: 4-2-25