

ARKANSAS DEPARTMENT OF ENERGY AND ENVIRONMENT  
DIVISION OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

Furlow Waste Water Public Facilities Board  
Carson Bridge Treatment Plant  
309 Yonack Drive  
Lonoke, AR 72086

LIS No. 25- 059  
Permit Number: AR0052833  
AFIN 43-00706

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<sup>1</sup> issued thereunder by the Arkansas Pollution Control and Ecology Commission (APC&EC).

The issues herein having been settled by the agreement of the Furlow Waste Water Public Facilities Board (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 municipal treated domestic wastewater facility ("Facility") located on Yonack Drive, Lonoke, Lonoke County, Arkansas.
2. Respondent discharges treated wastewater to an unnamed tributary, thence to Bayou Meto, thence to the Arkansas River in Segment 3B of the Arkansas River Basin.

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<sup>1</sup> Act 662 of the 2019 regular session of the General Assembly established the Code of Arkansas Rules. The rules promulgated by the Arkansas Pollution Control and Ecology Commission are now codified in Title 8 of the Code of Arkansas Rules.

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 *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 [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."

#### Late Permit Renewal Application

9. DEQ issued NPDES Permit Number AR0052833 ("Permit") to Respondent on September 24, 2019, with an effective date of October 1, 2019. A minor permit modification was issued on

July 25, 2022, with an effective date of August 1, 2022. The Permit expired on September 30, 2024.

10. Part III.D.10 of the Permit requires Respondent to submit a complete permit renewal application at least 180 days prior to the expiration date of the Permit if the activity regulated by the Permit is to continue after the expiration date.

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

12. On October 2, 2023, and December 29, 2023, DEQ notified Respondent that the Permit will 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.

13. DEQ received a permit renewal application from Respondent on April 3, 2024, and notified Respondent that its application was incomplete on April 15, 2024.

14. Respondent submitted additional information on April 18, 2024.

15. On April 18, 2024, Respondent's permit renewal application was deemed administratively complete.

16. 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 III.D.10 of the Permit and therefore is a violation of Ark. Code Ann. § 8-4-217(a)(3).

#### DMR Violations

17. On May 16, 2024, DEQ conducted a review of the certified Discharge Monitoring Reports (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.A of the Permit from April 1, 2021, through March 31, 2024:

- a. Eleven (11) violations of Ammonia Nitrogen;
- b. Seven (7) violations of Fecal Coliform Bacteria;
- c. Two (2) violations of Total Suspended Solids;
- d. One (1) violation of Dissolved Oxygen; and
- e. One (1) violation of pH.

19. Each of the twenty-two (22) discharge limitation violations listed in Paragraph 18 above constitutes a separate permit violation for a total of twenty-two (22) separate violations of Ark. Code Ann. § 8-4-217(a)(3).

20. The review of the DMRs revealed that Respondent failed to submit Non-Compliance Reports (NCRs) for effluent violations reported during the November 2022 and September 2023 monitoring periods. 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).

21. The review of the DMRs further revealed that Respondent failed to submit DMRs by the due date for the following twenty-one (21) monitoring periods:

- a. 2021: September, October, December;
- b. 2022: January, February, April, May, June, July, October, November, December;
- c. 2023: February, June, July, August, September, October, December; and
- d. 2024: January, February.

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).

22. The review of the DMRs also revealed that Respondent failed to conduct analysis for the monitoring periods ending October 31, 2021, and May 31, 2022. 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).

### **ORDER AND AGREEMENT**

WHEREFORE, the parties stipulate and agree as follows:

1. Respondent shall comply with the existing Permit until either the effective date of the permit renewal or the effective date of the permit termination.
2. Within thirty (30) calendar days of the effective date of this Order, Respondent shall submit to DEQ, for review and approval, a comprehensive Corrective Action Plan (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 Findings of Fact and prevent future violations. The CAP shall also identify a system that will be implemented to ensure that Respondent meets all reporting requirements set forth in the Permit. The CAP shall include a reasonable milestone schedule with a date of final compliance no later than December 31, 2026. 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. 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. Within thirty (30) calendar days of the final compliance date in the approved CAP or by December 31, 2026, whichever occurs first, 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 all DMRs in accordance with Part III.C.5 of the Permit.
5. Respondent shall submit NCRs in accordance with Part III.D.7 of the Permit using the form at <https://www.adeg.state.ar.us/water/enforcement/pdfs/ncr-form.pdf>. Respondent shall submit a copy of each NCR to the Enforcement Branch of the DEQ Office of Water Quality via email at [EE.WaterEnforcement@arkansas.gov](mailto:EE.WaterEnforcement@arkansas.gov).
6. In compromise and full settlement of the violations specified in the Findings of Fact, Respondent agrees to pay a civil penalty of Seven Thousand Eight Hundred Dollars (\$7800.00)<sup>2</sup>, of which Six Thousand Eight Hundred Dollars (\$6800.00) shall be conditionally SUSPENDED by DEQ. The allowance of conditional suspension is based upon DEQ's primary goal of regulatory compliance. If Respondent fully complies with this Order, the suspended penalty of Six Thousand Eight Hundred Dollars (\$6800.00) 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 Eight Hundred Dollars (\$7800.00) shall be payable immediately to DEQ. Payment of the civil penalty<sup>3</sup> in the amount of One Thousand Dollars (\$1000.00) is due within thirty (30) calendar days of the effective

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<sup>2</sup> Ten percent (10%) of the total penalty will be paid to DEQ as reimbursement for administrative costs associated with the Order.

<sup>3</sup> Amount of civil penalty to be paid = Total civil penalty – suspended penalty.

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.

7. 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 the 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, 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.

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 APC&EC Rule 8, codified in 8 CAR Part 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 APC&EC



Rule 8, codified in 8 CAR Part 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. Each of the undersigned representatives of the parties certifies that he or she is authorized to execute this Order and to legally bind that party to its terms and conditions.

SO ORDERED THIS 30 DAY OF July, 2025.

Bailey M. Taylor  
BAILEY M. TAYLOR  
CHIEF ADMINISTRATOR OF ENVIRONMENT AND DEQ DIRECTOR  
ARKANSAS DEPARTMENT OF ENERGY & ENVIRONMENT

APPROVED AS TO FORM AND CONTENT:

Furlow Waste Water Public Facilities Board-Carson Bridge Treatment Plant

BY: RD Hopper  
(Signature)

RD Hopper  
(Typed or printed name)

TITLE: President

DATE: 7/25/25