

ARKANSAS DEPARTMENT OF ENERGY AND ENVIRONMENT  
DIVISION OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

City of Manila  
P.O. Box 895  
Manila, AR, 72442

LIS No. 25- 063  
Permit No. AR0021881  
AFIN 47-00144

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 the Pollution Control and Ecology Commission (PC&EC).

The issues herein having been settled by the agreement of City of Manila (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 wastewater treatment facility ("facility") located on West County Road 294, Manila, Mississippi County, Arkansas.
2. Respondent discharges treated wastewater to Ditch No. 81, thence to the Right Hand Chute of the Little River, thence to the St. Francis River in Segment 5C of the St. Francis River Basin.
3. Respondent is regulated pursuant to the National Pollutant Discharge Elimination System (NPDES) program.
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 [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 NPDES Permit Number AR0021881 (“Permit”) to Respondent on January 27, 2021. The Permit became effective on February 1, 2021, and expires on January 31, 2026.

10. On July 7, 2021, DEQ requested, via email, that Respondent submit a Corrective Action Plan (CAP) to address violations of the permitted effluent discharge limitations. The CAP was to have a milestone schedule, final date of compliance, and be stamped by a professional engineer licensed in the state of Arkansas.

11. On August 25, 2021, DEQ again requested via email that Respondent submit a CAP to address violations of the permitted effluent discharge limitations.

12. On August 25, 2021, Respondent requested to extend the deadline to submit the CAP from September 2, 2021, to September 9, 2021.

13. On September 20, 2021, DEQ and Respondent met to discuss the permit violations and submission of the CAP. In this meeting, DEQ requested Respondent submit an interim CAP, submit quarterly progress reports detailing progress made towards final compliance, and coordinate with an engineer to perform an evaluation of the facility.

14. On October 6, 2021, Respondent submitted the CAP to DEQ. The CAP included a final compliance date of May 1, 2022.

15. On October 14, 2021, DEQ sent Respondent a letter approving the CAP submitted on October 6, 2021.

#### Failure to Comply with Permit Schedule

16. Part I.B of the Permit required Respondent to submit progress reports for two (2) years, detailing the actions taken to comply with the final effluent limits for Total Residual Chlorine (TRC). The progress reports were due one (1) year and two (2) years from the effective date of the Permit. The final effluent limits for TRC became effective three (3) years from the effective date of the Permit. Respondent was to submit a certification that the facility was in compliance with the final effluent limits for TRC three (3) years from the effective date of the Permit.

17. On September 26, 2022, and March 10, 2023, Respondent submitted the progress reports detailing the actions taken to achieve compliance with the final effluent limits for TRC.

18. On February 29, 2024, Respondent submitted notification to DEQ stating that the facility was not in compliance with the final effluent limits for TRC, and would not be for at least three (3) to six (6) months. Respondent did not provide a certification that Respondent was in compliance with its final effluent limits for TRC by March 1, 2024, as required by Part I, Section B of the Permit.

19. Respondent exceeded the final effluent limits for TRC eleven (11) times from March of 2024 to February of 2025. Failure to achieve compliance with the final effluent limits for TRC by the final compliance date of March 1, 2024, is a violation of Part I.B of the Permit and therefore is a violation of Ark. Code Ann. § 8-4-217(a)(3).

#### DMR Violations

20. On April 14, 2025, DEQ conducted a review of the certified Discharge Monitoring Reports (DMRs) submitted by Respondent in accordance with the Permit.

21. The review revealed that Respondent reported the following violations of the permitted effluent discharge limits detailed in Part I.A of the Permit from March 1, 2022, through February 28, 2025:

- a. Twenty-three (23) violations of Fecal Coliform Bacteria;
- b. Eleven (11) violations of Biochemical Oxygen Demand;
- c. Nine (9) violations of Carbonaceous Biochemical Oxygen Demand;
- d. Six (6) violations of Total Suspended Solids; and
- e. Twelve (12) violations of Total Residual Chlorine.

22. Each of the sixty one (61) discharge limitation violations listed in Paragraph 21 above constitutes a separate permit violation for a total of sixty one (61) separate violations of Ark. Code Ann. § 8-4-217(a)(3).

23. The review of the DMRs also revealed that Respondent failed to submit a Non-Compliance Report (NCR) for effluent violations reported during the monitoring period ending June 30, 2022. 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).

24. The review of the DMRs further revealed that Respondent submitted its DMRs after the due date for the following sixteen (16) monitoring periods:

- a. 2022: May, June, July, August, October, November;
- b. 2023: January, February, May, August, September;
- c. 2024: July, September, December; and
- d. 2025: 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).

25. Over half of the effluent violations occurred after the May 1, 2022, final compliance date from Respondent's October 6, 2021, CAP, demonstrating that Respondent has not completed the corrective actions necessary to bring its facility into compliance with the Permit. In addition, Respondent reported a violation of the final effluent limit for TRC for the November 2024 monitoring period.

### **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 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, 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.

2. 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. Quarterly progress reports shall be due by the 15<sup>th</sup> of the month following the quarter: January 15, April 15, July 15, October 15. Respondent shall submit a final compliance report that includes a certification of compliance, stamped by a professional engineer licensed in the state of Arkansas, within thirty (30) calendar days of the final compliance date in the approved CAP or by December 31, 2027, whichever occurs first.

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

4. For any future violations of the Permit, Respondent shall submit NCRs on the form available on DEQ's website<sup>1</sup> and completed in accordance with Part III.D.7 of the Permit.

5. Within thirty (30) calendar days of the effective date of this Order, Respondent shall submit to DEQ, for review and approval, its process for identifying instances of non-compliance that must be reported on DMR's, including the process and protocols for identifying and reporting Sanitary Sewer Overflows (SSOs), and its process for determining the appropriate corrective actions for those instances of noncompliance.

6. In compromise and full settlement of the violations specified in the Findings of Fact, Respondent agrees to pay a civil penalty of Eight Thousand One Hundred Dollars (\$8100.00)<sup>2</sup>, of which Six Thousand Dollars (\$6000.00) shall be conditionally SUSPENDED by DEQ. Ten percent (10%) of the total penalty shall be paid as reimbursement to DEQ for administrative costs

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<sup>1</sup> <https://www.adeg.state.ar.us/water/enforcement/pdfs/ncr-form.pdf>

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

associated with this CAO. The allowance of a 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 Dollars (\$6000.00) shall be DISMISSED by DEQ. The suspension and dismissal of civil penalties is contingent upon Respondent complying with the terms of this Order, including payment of the civil penalty. If Respondent violates any term of this Order, the full balance of Eight Thousand One Hundred Dollars (\$8100.00) shall become payable immediately to DEQ. Payment of the civil penalty<sup>3</sup> in the amount of Two Thousand One Hundred Dollars (\$2100.00) is due within thirty (30) calendar days of the effective date of this Order, and 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.

7. Failure to meet any requirement or deadline of this Order constitutes a violation of this Order. If Respondent 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.

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

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 PC&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 PC&EC Rule 8, codified in 8 CAR Part 21, 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. This Order has been reviewed and approved by the city council of Respondent in a duly convened meeting with a quorum present. See copy of [meeting minutes or resolution] attached as Exhibit A.

14. The city council of Respondent has authorized the mayor and city clerk/treasurer to sign this Order on behalf of Respondent. See Exhibit A.

15. The city council of Respondent has authorized the mayor and city clerk/treasurer 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 29 DAY OF August, 2025.

Bailey Taylor  
BAILEY TAYLOR  
CHIEF ADMINISTRATOR OF ENVIRONMENT AND DEQ DIRECTOR

APPROVED AS TO FORM AND CONTENT:

City of Manila

BY: JWR

(Signature)

Tracey W. Reinhart  
(Typed or printed name)

TITLE: Mayor

DATE: 8-11-2025

RESOLUTION No. 2025- 05

**A RESOLUTION APPROVING THE CONSENT ADMINISTRATIVE ORDER  
BETWEEN THE ARKANSAS DIVISION OF ENVIRONMENTAL QUALITY  
AND THE CITY OF MANILA, ARKANSAS**

**WHEREAS**, the City of Manila received a proposed consent administrative order (CAO) in reference to the "finding of facts" under the Pollution Control Act , Ark. Code Ann. §8-4-201; and the Arkansas Division of Environmental Quality (ADEQ) has determined that this CAO is necessary to ensure compliance with the Act; and

**WHEREAS**, the City of Manila understands the CAO, and stipulates and agrees to an Agreed order with ADEQ; and

**WHEREAS**, the City of Manila needs to authorized the Mayor and the city clerk/treasure to expend funds for compliance activities required by the CAO; and

**NOW, THEREFORE, BE IT RESOLVED** by the City of Manila, Arkansas, that:

**SECTION I.** That the City Council of the City of Manila, Arkansas is in agreement to a Consent Agreement Order (CAO);

**SECTION II.** That the City Council of the City of Manila, Arkansas, does hereby authorized the Mayor and the city clerk/treasure to sign the CAO on behalf of the City of Manila, Arkansas.

**SECTION III.** That the City Council of the City of Manila, Arkansas, does hereby authorized the Mayor and the city clerk/treasure to expend funds for compliance activities required by the CAO including but not limited to the payment of civil penalty as set forth in said CAO.

**SECTION IV.** That this resolution being necessary for the public health, safety, and welfare of the citizens of Manila, Arkansas, an emergency is hereby declared to exist, and this resolution shall be in full force and effect from and after its passage.

**This Resolution PASSED: this 11<sup>th</sup> day of August, 2025.**

**APPROVED:**

  
\_\_\_\_\_  
MAYOR

date

**ATTEST:**

  
\_\_\_\_\_  
Carla Brunson  
City Clerk

date