

**ARKANSAS DEPARTMENT OF ENERGY AND ENVIRONMENT,
DIVISION OF ENVIRONMENTAL QUALITY**

IN THE MATTER OF:

AFIN: 19-00067

Case #: CAO-25-0075

Cross County School District- Cross County High School
P.O. Box 180
Cherry Valley, AR, 72324

CONSENT ADMINISTRATIVE ORDER

This Consent Administrative Order (CAO) is issued pursuant to the authority delegated under 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 the Pollution Control and Ecology Commission (PC&EC) and codified under Title 8 of the Code of Arkansas Rules (CAR).

The issues herein having been settled by agreement of Cross County School District (Respondent) and the Director of the Arkansas Department of Energy and Environment, 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 non-municipal domestic wastewater treatment plant located at 21 County Road, Cherry Valley, Cross County, Arkansas (Site).
2. DEQ issued NPDES Permit AR0044041 (Permit) to Respondent on November 24, 2021, with an effective date of December 1, 2021, and expiration date of November 30, 2026.
3. 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 Arkansas Pollution Control and Ecology Commission under this chapter or of a permit issued under this chapter by the Division of Environmental Quality.
4. Ark. Code Ann. § 8-4-103(c)(1)(A) provides, “Any person that violates any provision of this chapter and rules, permits, or plans issued pursuant to this chapter may be assessed an administrative civil penalty not to exceed ten thousand dollars (\$10,000) per violation.”
 5. Pursuant to Ark. Code Ann. § 8-4-103(c)(1)(B), “Each day of a continuing violation may be deemed a separate violation for purposes of penalty assessment.”
 6. DEQ is authorized under the Arkansas Water and Air Pollution Control Act (“Act”) to issue National Pollutant Discharge Elimination System (NPDES) permits in the state of Arkansas and to initiate an enforcement action for any violation of a NPDES permit.
 7. Respondent is regulated pursuant to the NPDES program.
 8. Pursuant to the Federal Clean Water Act, 33 U.S.C. 1311(a), 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 .
 9. Respondent discharges treated sanitary and cafeteria wastewater to Cooper Creek, thence to the L’Anguille River, thence to the St. Francis River in Segment 5B of the St. Francis River Basin.
 10. List of Violations:
 - (a) Failure to report monitoring results on a Discharge Monitoring Report (DMR) no later than the 25th day of the month following the end of the monitoring period. (Permit Part III.C.5 & Part III.D.4) On July 24, 2025, DEQ reviewed the DMRs from July 1, 2022,

through June 30, 2025. Respondent reported eleven (11) DMRs past the due date during the review period.

(b) Effluent Violations. (Permit Part 1.A) DEQ reviewed the DMRs from July 1, 2022, through June 30, 2025. Respondent reported five (5) effluent violations during the review period: four (4) Total Residual Chlorine (TRC) and one (1) pH.

(c) Failure to achieve compliance with the final effluent limits as required by Part I.B of the Permit. (Permit Part I.B) Respondent was required to achieve compliance with the final effluent limits for TRC within three (3) years of the effective date of the Permit. On July 2, 2025, Respondent notified DEQ that they were not in compliance with the final effluent limits for TRC. The notification included a Corrective Action Plan (CAP) with a milestone schedule and final compliance date of May 30, 2026, for the remaining corrective actions needed to achieve compliance. DEQ approved the CAP on July 3, 2025. On June 5, 2026, Respondent submitted an update to the CAP which included a new final compliance date of January 22, 2027.

(d) Failure to have an operator with the required class license. (Permit Part II.1, 8 CAR § 22-501, and Ark. Code Ann. § 8-5-207) DEQ reviewed documentation submitted by Respondent. The review revealed that the wastewater operator listed on the most recent permit renewal application does not have a current wastewater license.

Each of the violations listed above constitutes a separate violation of Ark. Code Ann. § 8-4-217(a)(3).

ORDER AND AGREEMENT

WHEREFORE, the parties stipulate and agree as follows:

1. The terms, milestone schedule, and final date of compliance in the approved CAP shall be

fully enforceable as terms of this CAO.

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 submitted by the fifteenth (15) day of the month following the calendar quarter: January 15th; April 15th; July 15th; and October 15th, until the CAO is closed.
3. Within thirty (30) calendar days of the final compliance date in the approved CAP, 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 DMRs in accordance with Part III.C.5 and Part III.D.4 of the Permit.
5. Within thirty (30) days of the effective date of this CAO, Respondent shall submit documentation that the facility has a wastewater operator with a minimum of a Class II wastewater license issued from the state of Arkansas.
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 Fifty dollars (\$8150.00), of which Eight Thousand One Hundred Fifty dollars (\$8150.00) 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 One Hundred Fifty dollars (\$8150.00) 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. If Respondent violates any term of this CAO, the full balance of Eight Thousand One Hundred Fifty dollars (\$8150.00) shall become payable immediately to DEQ. Ten percent (10%) of the total penalty shall be paid as reimbursement to DEQ for administrative costs associated with this CAO. 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.

7. All requirements of this CAO are subject to approval by DEQ. In the event of any deficiency, 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 the notice of deficiency within the timeframe specified by DEQ constitutes a failure to meet the requirements established by this CAO and is subject to the civil penalties established in the following paragraph.
8. Failure to meet any term(s) of this CAO or the applicable approved schedules provided for herein constitutes a violation of this CAO. If Respondent fails to meet any term(s) of this CAO, Respondent shall pay, on demand, to DEQ civil penalties according to the following schedule:

(a) First day through the fourteenth day:	\$100 per day
(b) Fifteenth day through the thirtieth day:	\$500 per day
(c) More than thirty days:	\$1,000 per day

Stipulated penalties shall be paid within thirty (30) calendar days of receipt of DEQ's demand to Respondent for such penalties. These stipulated penalties may be imposed for delay in scheduled performance and shall be in addition to any other remedies or sanctions that may be available to DEQ by reason of Respondent's failure to comply with the

requirements of this CAO. DEQ reserves its rights to collect other penalties and fines pursuant to its enforcement authority in lieu of the stipulated penalties set forth above.

9. If any event, including, but not limited to, an occurrence of nature, causes or may cause a delay in the achievement of compliance by Respondent with the requirements or deadlines of this CAO, Respondent shall 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 have passed. 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.
10. DEQ may grant an extension of any provision of this CAO, 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 previous paragraph of the ORDER AND AGREEMENT, shall be grounds for a denial of an extension.
11. This CAO is subject to public review and comment in accordance with Ark. Code Ann. § 8-4-103(d) and therefore is not effective until thirty (30) calendar days after public notice of the CAO is given. DEQ retains the right and discretion to rescind this CAO based on 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.

12. As provided by 8 CAR pt. 11, this matter is subject to being reopened upon Pollution Control and Ecology Commission (Commission) initiative or in the event a petition to set aside this CAO is granted by the Commission.
13. Nothing contained in this CAO shall relieve Respondent of any obligations imposed by any other applicable local, state, or federal laws. Except as specifically provided herein, nothing contained in this CAO shall be deemed in any way to relieve Respondent of responsibilities contained in the permit.
14. Nothing in this CAO shall be construed as a waiver by DEQ of its enforcement authority over alleged violations not specifically addressed herein. In addition, this CAO neither exonerates Respondent from any past, present, or future conduct that is not expressly addressed herein, nor relieves Respondent of the responsibilities for obtaining any necessary permits.
15. This CAO 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.
16. The School Board of Respondent has authorized the School Board President and Principal to sign this CAO on behalf of Respondent. See Exhibit A.
17. The School Board of Respondent has authorized the School Board President and Principal to expend funds for compliance activities required by this CAO including but not limited to the payment of a civil penalty as set forth in this CAO. See Exhibit A.

It is so ordered.

Consent Administrative Order - Approval Form

version 1.8

(Submission #: HQH-S0YN-GQFRD, version 1)

Digitally signed by:
SEEK Prod - Internal
Date: 2026.06.24 12:58:50 -05:00
Reason: Copy Of Record
Location: State of Arkansas

Details

Submission ID HQH-S0YN-GQFRD

Form Input

Consent Administrative Order

Case Number
CAO-25-0075

Consent Administrative Order Attachment

Cross County School Revised Proposed CAO.pdf - 06/08/2026 04:00 PM

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 Nathan Morris on 06/09/2026 at 2:53 PM

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 06/24/2026 at 12:58 PM

RESOLUTION NO. 1

A RESOLUTION AUTHORIZING THE CROSS COUNTY SCHOOL DISTRICT TO ENTER INTO A CONSENT ADMINISTRATIVE ORDER WITH THE ARKANSAS DEPARTMENT OF ENERGY & ENVIRONMENT, DIVISION OF ENVIRONMENTAL QUALITY (DEQ)

WHEREAS, it is in the school's best interest to enter into an agreement with DEQ and resolve the violations of the Arkansas Water and Air Pollution Control Act listed in the proposed Consent Administrative Order.

WHEREAS, the superintendent and Public Works Director or other designated person, working with a Professional Engineer, have developed a plan of action to address the issues listed in the proposed Consent Administrative Order.

NOW, THEREFORE, BE IT RESOLVED BY THE CROSS COUNTY SCHOOL BOARD:

- 1. The proposed Consent Administrative Order has been reviewed and approved by the school board in a duly convened meeting with a quorum present.*
- 2. The Cross County School Board authorizes the Superintendent to sign the proposed Consent Administrative Order.*
- 3. The Cross County School Board authorizes the Superintendent to expend funds for compliance activities required by the proposed Consent Administrative Order including but not limited to the payment of a civil penalty as set forth in the proposed Consent Administrative Order.*

Adopted on this 15 day of June, 2024

APPROVED: 
Superintendent

ATTEST: 
School Board President

ATTEST: 
School Board Secretary