

**ARKANSAS DEPARTMENT OF ENERGY AND ENVIRONMENT,  
DIVISION OF ENVIRONMENTAL QUALITY (DEQ)**

IN THE MATTER OF:

AFIN: 21-00047

Case #: CAO-25-0051

City of Tillar  
PO Box 86  
Tillar, AR, 71670

**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 City of Tillar (Respondent) and the Director of 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 owns and operates a publicly owned treatment works (Site) located at US Hwy 65 and US Hwy 277, Tillar, Desha County, Arkansas.
2. DEQ issued National Pollutant Discharge Elimination System (NPDES) Permit No. AR0033707 (Permit) to Respondent on February 27, 2020, with an effective date of March 1, 2020, and an expiration date of February 28, 2025.
3. Respondent discharges treated wastewater to an unnamed tributary, thence to Canal No. 18, thence to Macon Bayou, thence to Diversion Canal No.1, thence to the Boeuf River in

Segment 2A of the Ouachita River Basin.

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 Arkansas Pollution Control and Ecology Commission under this chapter or of a permit issued under this chapter by the Division of Environmental Quality.

5. 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.”

6. 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.”

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. DEQ is authorized under the Arkansas Water and Air Pollution Control Act to issue NPDES permits in the state of Arkansas and to initiate an enforcement action for any violation of an NPDES permit.

10. Part III.D.10 of the Permit requires Respondent to submit an administratively 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 has operated this Site beyond the expiration date of the current permit,

February 28, 2025.

12. On February 29, 2024, and May 30, 2024, DEQ notified Respondent that the Permit would expire on February 28, 2025, and that to continue the regulated activity, an administratively complete renewal application must be submitted no later than September 1, 2024.
13. Respondent did not submit an administratively complete permit renewal application by September 1, 2024.
14. Failure to submit the administratively complete Permit renewal application by September 1, 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).
15. On May 19, 2025, DEQ conducted a review of certified Discharge Monitoring Reports (DMRs) submitted by Respondent in accordance with the Permit.
16. 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, 2022, through March 31, 2025:
  - a. Eight (8) violations of Carbonaceous Biochemical Oxygen Demand; and
  - b. Two (2) violations of Fecal Coliform Bacteria.Each of the ten (10) discharge limitation violations listed above constitutes a separate permit violation for a total of ten (10) separate violations of Ark. Code Ann. § 8-4-217(a)(3).
17. The review of the DMRs revealed that Respondent failed to submit Non-Compliance Reports (NCRs) for effluent violations reported during the following three (3) monitoring periods:
  - a. 2022: April;

- b. 2024: January; and
- c. 2025: February.

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).

18. The review of the DMRs further revealed that Respondent failed to submit DMRs by the due date for the following nine (9) monitoring periods:

- a. 2022: April;
- b. 2023: February, March, May; and
- c. 2024: March, April, May, September, and December.

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).

19. List of Violations:

- a. Failure to submit an administratively complete permit renewal application at least 180 days before the expiration date of the permit. (NPDES Permit Part III.D.10)
- b. Effluent Violations (NPDES Permit Part 1.A)
- c. Failure to report all instances of non-compliance not reported under Parts III.D. 4, 5 and 6. (NPDES Permit Part III.D.7). Respondent failed to submit a Non-Compliance Report (NCR) for violations reported for three (3) monitoring periods.
- d. Failure to report monitoring results on a DMR no later than the 25th day of the month following the end of the monitoring period. (NPDES Part III.C.5)

### **ORDER AND AGREEMENT**

WHEREFORE, the parties stipulate and agree as follows:

1. On or before the effective date of the CAO, 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. Respondent shall immediately comply with all permitted effluent limits.
4. Respondent shall submit 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 provided at <https://www.adeg.state.ar.us/water/enforcement/pdfs/ncr-form.pdf> and attach the completed NCRs to the corresponding monitoring period DMR via NetDMR.
6. In compromise and full settlement of the violations specified in the FINDINGS OF FACT, Respondent agrees to pay a civil penalty of Four Thousand Fifty Dollars (\$4050.00), of which Three Thousand Fifty Dollars (\$3050.00) 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 Three Thousand Fifty Dollars (\$3050.00) 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. Ten percent (10%) of the total penalty shall be paid as reimbursement to DEQ for administrative costs associated with this CAO. If Respondent violates any term of this CAO, the full balance of Four Thousand Fifty Dollars (\$4050.00) shall become payable immediately to DEQ. Payment of One Thousand Dollars (\$1000.00) is due within thirty (30) calendar days after the effective date of this CAO. Payment can be made online using the Financials tab of your

site in SEEK or mailed in by check. Paper check payments require the Compliance Action Number be referenced in the memo line of the check and be made payable to: DEQ, and mailed to: DEQ, Fiscal Division, 5301 Northshore Drive, North Little Rock, Arkansas 72118-5317. 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. All requirements of this CAO are subject to approval by DEQ.

7. 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 the limits, requirements, or deadlines of this CAO or the applicable approved schedules provided for herein constitutes a violation of this CAO. If Respondent fails to meet any limits, requirements, or deadlines, 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.

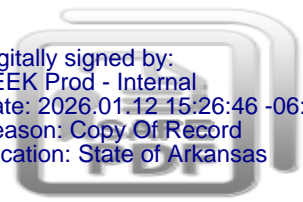
12. As provided by 8 CAR Pt. 11, this matter is subject to being reopened upon Commission initiative or in the event a petition to set aside this CAO is granted by the Commission.
13. Nothing contained in this CAO shall relieve Respondent of any obligations imposed by any other applicable local, state, 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 City Council of the City of Tillar in a duly convened meeting with a quorum present. It is the intention of the City Council to be bound by the terms appearing in the CAO.
16. The City Council of the City of Tillar has authorized the Mayor and the City Clerk/Treasurer to sign this CAO on behalf of the City.
17. The City Council of the City of Tillar has authorized the Mayor and City Clerk/Treasurer to expend funds for compliance activities required by this CAO including but not limited to the payment of a civil penalty in the amount listed above.

# Consent Administrative Order - Approval Form

version 1.7

(Submission #: HQH-PN84-E2PJC, version 2)

Digitally signed by:  
SEEK Prod - Internal  
Date: 2026.01.12 15:26:46 -06:00  
Reason: Copy Of Record  
Location: State of Arkansas



## Details

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Submission ID HQH-PN84-E2PJC

## Form Input

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### Consent Administrative Order

**Case Number**  
CAO-25-0051

#### **Consent Administrative Order Attachment**

[Proposed CAO for City of Tillar.pdf - 12/08/2025 04:38 PM](#)

#### **Comment**

NONE PROVIDED

## Revisions

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Revision	Revision Date	Revision By
Revision 1	12/8/2025 4:35 PM	Leslie Allen-Daniel
Revision 2	1/6/2026 3:39 PM	Leslie Allen-Daniel

# Agreements and Signature(s)

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## **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** Robert Allen Evans on 01/12/2026 at 1:40 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 01/12/2026 at 3:25 PM

**RESOLUTION #2025-5**

**A RESOLUTION AUTHORIZING THE TOWN OF TILLAR TO ENTER INTO A CONSENT ADMINISTRATIVE ORDER WITH THE ARKANSAS DEPARTMENT OF ENERGY & ENVIRONMENT, DIVISION OF ENVIRONMENTAL QUALITY (DEQ).**

**WHEREAS**, it is in the Town'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.

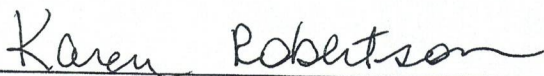
**WHEREAS**, the Mayor and Public Works Director or other designated person, working with a Professional Engineer, have developed a plan of action to address the issues listed in the proposed Consent Administrative Order.

**NOW, THEREFORE, BE IT RESOLVED BY TOWN COUNCIL OF THE TOWN OF TILLAR:**

1. The proposed Consent Administrative Order has been reviewed and approved by the Town Council in a duly convened meeting with a quorum present.
2. The Town Council of the Town of Tillar authorizes the Mayor to sign the proposed Consent Administrative Order.
3. The Town Council of the Town of Tillar authorizes the Mayor and Recorder/Treasurer 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 December, 2025

APPROVED:   
Mayor

ATTEST:   
Recorder/Treasurer

