

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

IN THE MATTER OF:

AFIN: 75-01263

Case #: CAO-25-0028

City of Dardanelle  
2005 State Highway 22  
Dardanelle, AR 72834

**Consent Administrative Order**

This Consent Administrative Order (CAO) is issued pursuant to the authority delegated under the federal Clean Air Act, 42 U.S.C. § 7401 et seq., and the federal regulations issued thereunder. In addition, this CAO is issued pursuant to the authority of the Arkansas Water and Air Pollution Control Act (the Act), Ark. Code Ann. § 8-4-101 et seq., 8 Code of Arkansas Rules (CAR) pt. 10, 8 CAR pt. 11, 8 CAR pt. 40, 8 CAR pt. 41, and 8 CAR pt. 42.

The issues herein having been settled by agreement of City of Dardanelle (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 owns and operates an air curtain incinerator (ACI) located at 2005 State Highway 22, Dardanelle, Yell County, Arkansas (Site).
2. DEQ issued Air General Permit For Title V Air Curtain Incinerators 2370-AGP-000 (Permit) on February 2, 2017, with an effective date of May 28, 2021, and expiration date

of May 28, 2026. DEQ issued Tracking No. 2370-AGP-001 on February 2, 2017 providing Respondent authority to operate under the Permit.

3. Arkansas Code Annotated § 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. Pursuant to Ark. Code Ann. § 8-4-103(c)(1)(A)-(B):

(A) 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.

(B) Each day of a continuing violation may be deemed a separate violation for purposes of penalty assessment.

5. On January 17, 2025, DEQ performed a full air compliance evaluation at the Site covering the reporting period of October 1, 2024 through December 1, 2024.

6. On January 27, 2025, DEQ notified Respondent of the evaluation results. This was intended to provide Respondent with the opportunity to review the non-compliance items and submit any additional information Respondent deemed appropriate regarding the issues. A written response addressing the non-compliance items was to be submitted by February 27, 2025.

7. On February 12, 2025, DEQ received Respondent's written response regarding the actions

taken to correct the non-compliance items. Respondent submitted all required records.

8. On March 7, 2025, DEQ notified Respondent via a Notice of Non-Compliance (NNC) stating that formal enforcement was proceeding regarding the violations in the list below.

9. List of Violations:

(a) Failure to timely submit General Provision 7 recordkeeping report (8 CAR § 42-601(3)(D)(i))

General Provision 7 of the Permit requires the submission of Semi-Annual Monitoring (SAM) reports.

During the inspection, it was revealed that Respondent failed to submit two (2) SAM reports, which were due by April 1, 2024 and October 1, 2024. Respondent submitted the reports on February 12, 2025, which was past their respective due dates, which violates General Provision 7 of the Permit.

(b) Failure to timely submit General Provision 21 recordkeeping report (8 CAR § 42-603(5)(B)(iii))

General Provision 21 of the Permit requires the submission of Annual Compliance Certification (ACC) reports.

During the inspection, it was revealed that Respondent failed to submit an ACC report which was due by April 1, 2024. Respondent submitted the report on February 12, 2025, which violates General Provision 21 of the Permit.

### **Order and Agreement**

WHEREFORE, the parties stipulate and agree as follows:

1. This CAO addresses all violations referenced in the Findings of Fact.

2. In compromise and full settlement of the violations specified in the FINDINGS OF FACT, Respondent agrees to pay a civil penalty of THREE THOUSAND DOLLARS (\$3,000), of which ten percent (10%) shall be paid as reimbursement to DEQ for administrative costs associated with this CAO. Payment 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, 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.
3. 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.
4. 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.

5. 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.
6. 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.
7. 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.

8. 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.
9. 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.
10. 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.
11. This CAO has been reviewed and approved by the City Council of Respondent in a duly convened meeting with a quorum present. It is the intention of the City Council to be bound by the terms in this CAO.
12. The City Council of Respondent has authorized the Mayor and the City Clerk/Treasurer to sign this CAO on behalf of the City.
13. The City Council of Respondent has authorized the Mayor and City Clerk/Treasurer to

expend funds for any compliance activities required by this CAO including but not limited to the payment of any civil penalty in the amount set forth above.

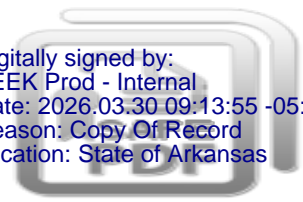
It is so ordered.

# Consent Administrative Order - Approval Form

version 1.7

(Submission #: HQH-6PFQ-471JN, version 1)

Digitally signed by:  
SEEK Prod - Internal  
Date: 2026.03.30 09:13:55 -05:00  
Reason: Copy Of Record  
Location: State of Arkansas



## Details

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Submission ID HQH-6PFQ-471JN

## Form Input

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### Consent Administrative Order

**Case Number**

CAO-25-0028

**Consent Administrative Order Attachment**

ENF - CAO.pdf - 11/18/2025 09:07 AM

**Comment**

NONE PROVIDED

# 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** Jimmy Witt on 03/20/2026 at 3:19 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 03/30/2026 at 9:12 AM