

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

IN THE MATTER OF:

AFIN: 16-00177

Case #: CAO-25-0110

Westside Consolidated School District #5
1630 Highway 91 West
Jonesboro, AR 72404

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 Westside Consolidated School District #5 (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 nonmunicipal domestic wastewater treatment plant associated with a public school located at 1630 Highway 91 West, Jonesboro, Craighead County, Arkansas (Site).
2. DEQ issued National Pollutant Discharge Elimination System (NPDES) Permit AR0041629 (Permit) to Respondent on March 27, 2024, with an effective date of April 1,

2024, minor modification effective date of May 1, 2024, and expiration date of March 31, 2029.

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. 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.

6. 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.

7. Respondent is regulated pursuant to the NPDES program.

8. Part I.B of the Permit required a final progress report on Final Effluent Limitation for Total

Residual Chlorine by April 1, 2027.

9. On August 1, 2025, Respondent requested an extension of the final compliance date set forth in Part I.B of the Permit to allow the construction activities to be completed when school is not in session.

Order and Agreement

WHEREFORE, the parties stipulate and agree as follows:

1. On or before December 31, 2027, Respondent shall submit the final progress report required by Part I.B of the Permit and certify compliance with the Final Effluent Limitation for Total Residual Chlorine. The certification of compliance shall be signed by the Respondent and a professional engineer licensed in Arkansas.
2. 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.
3. 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.

4. 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.
5. 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.
6. This CAO is subject to public review and comment in accordance with Ark. Code Ann.

§ 8-4-103(d) and is effective upon the Chief Administrator of Environment and DEQ Director's signature. 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.

7. 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.
8. 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.
9. 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.
10. This CAO has been reviewed and approved by the School Board of Respondent in a duly convened meeting with a quorum present.
11. The School Board of Respondent has authorized the Superintendent to sign this CAO on behalf of Respondent.
12. The School Board of Respondent has authorized the Superintendent to expend funds for compliance activities required by this CAO including but not limited to the payment of any

civil penalty in the amount set forth above.

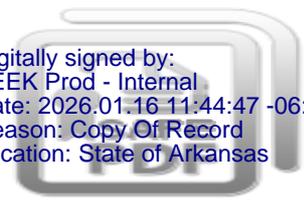
It is so ordered.

Consent Administrative Order - Approval Form

version 1.7

(Submission #: HQJ-JZH8-E7A4Q, version 1)

Digitally signed by:
SEEK Prod - Internal
Date: 2026.01.16 11:44:47 -06:00
Reason: Copy Of Record
Location: State of Arkansas



Details

Submission ID HQJ-JZH8-E7A4Q

Form Input

Consent Administrative Order

Case Number

CAO-25-0110

Consent Administrative Order Attachment

Proposed CAO Westside SD.pdf - 01/13/2026 05:34 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 Chris George on 01/14/2026 at 7:14 AM

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 01/16/2026 at 11:43 AM

WESTSIDE CONSOLIDATED SCHOOL DISTRICT
Committed to Learn... Committed to Lead



**RESOLUTION OF THE BOARD OF EDUCATION
WESTSIDE CONSOLIDATED SCHOOL DISTRICT #5
APPROVAL FOR SUPERINTENDENT TO EXECUTE
CONSENT ADMINISTRATIVE ORDER CASE NO. CAO-25-0110**

WHEREAS, the Arkansas Department of Energy and Environment, Division of Environmental Quality, has issued a Consent Administrative Order, Case No. CAO-25-0110, to Westside Consolidated School District #5 regarding compliance matters associated with the district's wastewater treatment facility and NPDES Permit No. AR0041629; and

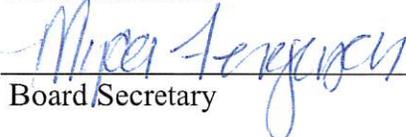
WHEREAS, the Consent Administrative Order requires approval by the governing body of the district and authorization for the Superintendent to execute the agreement on behalf of the district;

NOW, THEREFORE, BE IT RESOLVED by the Board of Education of Westside Consolidated School District #5, with a quorum present and voting, that the Superintendent is hereby authorized to sign and execute the Consent Administrative Order, Case No. CAO-25-0110, on behalf of the district.

ADOPTED this 16 day of February, 2026.



Board President Date: 2-16-26



Board Secretary Date: 2-16-26