

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

IN THE MATTER OF:

AFIN: 16-00149

Case #: CAO-26-0024

City of Monette
Wastewater Treatment Facility
P.O. Box 382
Monette, AR 72447

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.

The issues herein having been settled by agreement of the City of Monette (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 publicly owned treatment works located at 100 Sewer Treatment Plant Rd., Monette, Craighead County, Arkansas (Site).
2. DEQ issued National Pollutant Discharge Elimination System (NPDES) Permit AR0033651 (Permit) to Respondent on July 24, 2020, with an effective date of August 1, 2020, and expiration date of July 31, 2025.

3. Respondent discharges treated municipal wastewater to Little Ditch No. 3, then to Cockle Burr Slough, then to the St. Francis River in Segment 5A of the St. Francis River Basin.
4. 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.
5. 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.
6. Respondent is regulated pursuant to the NPDES program.
7. 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 a NPDES permit.
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. List of Violations:

(a) Failure to submit a complete permit renewal application at least 180 days before the expiration date of the permit is a violation of Part III.D.10 of the Permit and therefore a violation of Ark. Code Ann. § 8-4- 217(a)(3). (NPDES Part III.D.10) On October 31, 2024, and November 20, 2024, DEQ notified Respondent that the permit would expire on July 31, 2025, and a complete permit renewal application was due 180 days before the expiration date by February 1, 2025. The permit renewal application was received on January 17, 2025, with all additional information necessary to be deemed administratively complete received by October 21, 2025.

Order and Agreement

WHEREFORE, the parties stipulate and agree as follows:

1. Respondent shall comply with the current permit until the effective date of the renewal permit or the effective date of the permit termination.
2. In compromise and full settlement of the violations specified in the Findings of Fact, Respondent agrees to pay a civil penalty of One Thousand Dollars (\$1000.00), or one-half of the penalty, Five Hundred dollars (\$500.00) if this CAO is signed and returned to DEQ within twenty (20) calendar days of receipt of this CAO. Ten percent (10%) of the total penalty 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. The Compliance Action Number should be referenced in the memo line of paper checks 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 PC&EC initiative or in the event a petition to set aside this CAO is granted by PC&EC .
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.

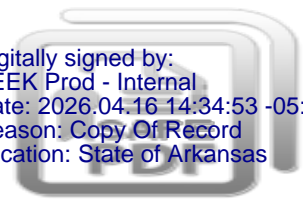
It is so ordered.

Consent Administrative Order - Approval Form

version 1.8

(Submission #: HQM-TANJ-MY22G, version 1)

Digitally signed by:
SEEK Prod - Internal
Date: 2026.04.16 14:34:53 -05:00
Reason: Copy Of Record
Location: State of Arkansas



Details

Submission ID HQM-TANJ-MY22G

Form Input

Consent Administrative Order

Case Number

CAO-26-0024

Consent Administrative Order Attachment

CAO-26-0024.pdf - 04/14/2026 01:46 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 Bob Blankenship on 04/15/2026 at 9:26 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 04/16/2026 at 2:34 PM

THE CITY OF MONETTE
RESOLUTION OF THE CITY COUNCIL: 2026-3

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

WHEREAS, it is in the City's best interest to enter into an agreement with the 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 Water Superintendent or other designated person, have developed a plan of action to address the issues listed in the proposed Consent Administrative Order.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MONETTE:

1. The proposed Consent Administrative Order has been reviewed and approved by the City Council in a duly convened meeting with a quorum present.
2. The City Council of the city of Monette authorizes the Mayor to sign the proposed Consent Administrative Order.
3. The City Council of the City of Monette authorizes the Mayor and 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.

PASSED AND APPROVED THIS 30th DAY OF APRIL, 2026.

Bob Blankenship

Bob Blankenship, Mayor

Terry L. Thomas

Ms. Terry L. Thomas—Treasurer/City Clerk

(SEAL)



Monette City Council

Special Meeting—April 30, 2026

Special meeting called to order by Mayor Blankenship at 4:30pm. Roll call by Treasurer Thomas. All members present except for Councilman Ivy. Guests present include Nan Snider, NEA Town Courier; Sgt. Daniel Haynes, MPD, and City Attorney Johnny Dunigan.

Mayor announced a quorum is present with three items on the agenda for the special meeting.

Mayor presented Ordinance 2026-2, (City Officials Conducting Business with City of Monette) indicating Councilman Decker will sell the city a Husqvarna lawn mower and a cyclone vacuum system for \$3000. Motion by Councilman Uthoff to approve Ordinance 2026-2, second by Councilman Qualls. No discussion. All aye, none opposed. **Motion passed.**

Mayor Blankenship presented Resolution 2026-3 authorizing the City of Monette to enter into a Consent Administrative Order with the Arkansas Department of Energy & Environment, Division of Environmental Quality (DEQ). Councilman Decker made a motion to approve Resolution 2026-3. Second by Councilman Uthoff. All aye, none opposed. **Motion passed.**

Mayor Blankenship stated that the Memorandum of Agreement (MOA) with our city police officers to participate in ICE activities via ACT287G has been signed. In order to receive funds, a new account must be opened at the bank. Councilman Decker made a motion to approve opening a new account for ACT 287G funds. Second by Councilman Uthoff. Discussion followed: Sgt. Daniel Haynes of the MPD presented information to the council about the specifics of the MOA, credible arrests, certification of officers, funds expected quarterly and monthly. Sgt. Haynes also stated that funds cannot be swept back by ICE and the city will not be required to refund any funds if the Act 287G program ends. Sgt. Haynes also stated that the city will not be required to pay back any funds to the program, and that the ICE officials cannot require them to participate in activities if they choose not to. City Attorney Johnny Dunigan stated to the council that all MPD officers will still be expected to uphold the U.S. Constitution and that he is concerned that activities will be under ICE control. Treasurer Thomas asked if the MOA is binding to any activities requested by ICE. Sgt. Haynes stated it is not. All MPD officers will be certified to participate in activities which will include stemming only from traffic stops. Mayor Blankenship asked for a vote to open a new bank account at Centennial Bank in Monette for future Act 287G funds that may be received from ICE. All aye. None opposed. **Motion Passed.**

Councilman Rolland made a motion to adjourn. Second by Councilman Decker. All aye, none opposed. Meeting adjourned at 5:07pm.

Approved:



Mayor Bob Blankenship

5/1/26

Date

Attest:



Ms. Terry L. Thomas, Treasurer/Recorder

5/1/2026

Date

2 pages
470 words
3116 characters
20 paragraphs
72 lines

Prepared by Treasurer Ms. Terry L. Thomas on 5/1/2026