

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

IN THE MATTER OF:

AFIN: 46-00089

Case #: CAO-25-0047

City of Garland  
P.O. Box 9  
Garland, AR, 71839

**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 Garland (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 on on County Road 381, Garland, Miller County, Arkansas (Site).
2. DEQ issued National Pollutant Discharge Elimination System (NPDES) Permit Number AR0050857 (Permit) to Respondent on October 22, 2019, with an effective date of November 1, 2019, and expiration date of October 31, 2024.
3. Respondent discharges treated wastewater to the Red River in Segment 1 B of the Red

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. 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. 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. Respondent is regulated pursuant to the NPDES program.

9. 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.

10. Part III, Section. D, Condition .10 of the Permit requires Respondent to submit a 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, October 31, 2024.
12. On November 1, 2023, and January 30, 2024, DEQ notified Respondent that the Permit would expire on October 31, 2024, and that to continue the regulated activity, a complete renewal application must be submitted no later than May 4, 2024.
13. On April 17, 2025, Respondent submitted a complete Permit renewal application to DEQ.
14. DEQ is authorized by Ark. Code Ann. § 8-1-103 to charge fees for issuance, modification, and annual review of permits.
15. 8 CAR §§ 12-201(d)(1)–(2) provides:

A permitted facility failing or refusing to pay the annual fee in a timely manner shall be subject to a late payment charge as established in this part. Continued failure or refusal to pay the required fees after a reasonable notice shall constitute grounds for legal action by the division that may result in revocation of the permit.
16. On September 8, 2021, DEQ issued invoice number PDS-189728 for annual fees for NPDES Permit Number AR0050857 with the amount due of Six Hundred Twenty dollars (\$620.00). Respondent failed to make payment in a timely manner and late charges of Sixty-two dollars (\$62.00) accrued. The total amount due for invoice number PDS-189728 is Six Hundred Eighty-two dollars (\$682.00).
17. On September 3, 2024, DEQ issued invoice number PDS-206119 for annual fees for NPDES Permit Number AR0050857 with the amount due of Six Hundred Twenty dollars (\$620.00). Respondent failed to make payment in a timely manner and late charges of Sixty-two dollars (\$62.00) accrued. The total amount due for invoice number PDS-206119 is Six Hundred Eighty-two dollars (\$682.00).
18. Respondent has failed to pay invoice numbers PDS-189728 and PDS-206119, including the late fees.

19. On May 2, 2025, DEQ reviewed Respondent's certified Discharge Monitoring Reports (DMRs) from April 1, 2022, through March 31, 2025. Respondent reported six (6) violations for Fecal Coliform Bacteria of the permitted effluent discharge limits detailed in Part I.A of the Permit.
20. The review revealed that Respondent failed to submit DMRs by the due date for the following monitoring periods in violation of Part III.C.5 of the Permit:
  - a. 2022: April, May, August, September, October, November and December;
  - b. 2023: January, February, March, April, May, June, July, September, October, November and December;
  - c. 2024: January, February, March, April, May, June, August, October, November and December; and
  - d. 2025: January and February.
21. The review revealed that Respondent failed to submit Non-Compliance Reports (NCRs) for the effluent violations reported during the following monitoring periods in violation of Part III.D.7 of the Permit.
  - a. 2023: July; and
  - b. 2024: June and July.
22. 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 Part III.D.10)
  - (b) Failure to report monitoring results on a Discharge Monitoring Report no later than the 25th day of the month following the end of the monitoring period. (NPDES Part III.C.5 & Part III.D.4)

- (c) Effluent Violations (NPDES Part 1.A)
- (d) Failure to remit all applicable permit fees. (NPDES Part III.A.11)
- (e) Failure to report all instances of noncompliance. (NPDES Parts III.D.4, 5 & 6).

Respondent failed to submit a Non-Compliance Report (NCR) for the violations reported for three (3) monitoring periods.

Each violation 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. Respondent shall comply with the existing Permit until either the effective date of the permit renewal or the effective date of the permit termination.
2. Respondent shall immediately comply with all permitted effluent limits set forth in Part I.A of the Permit.
3. Respondent shall submit DMRs in accordance with Part III.C.5 of the Permit.
4. Respondent shall submit NCRs in accordance with Part III.D.7 of the Permit using the form provided at <https://www.adeq.state.ar.us/water/enforcement/pdfs/ncr-form.pdf>. Respondent shall attach the completed NCRs to the corresponding monitoring period DMR via NetDMR.
5. Within thirty (30) calendar days of the effective date of this CAO, Respondent shall pay One Thousand Three Hundred Sixty-four Dollars (\$1364.00) for the annual and past due fees associated with invoice numbers PDS-189728 and PDS-206119. The total amount shall be made payable to the Division of Environmental Quality and mailed to:

DEQ, Fiscal Division  
PDS-189728 & PDS-206119

5301 Northshore Drive  
North Little Rock, AR 72118-5317

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 Three Hundred Fifty Dollars (\$4350.00), of which Three Thousand Three Hundred Fifty Dollars (\$3350.00) 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 Three Hundred Fifty Dollars (\$3350.00) 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. Payment of One Thousand Dollars (\$1000.00) is due within thirty (30) calendar days after the effective date of this CAO. If Respondent violates any term of this CAO, the full balance of Four Thousand Three Hundred Fifty Dollars (\$3350.00) shall become payable to DEQ on demand. Payment can be made online using the Financials tab of your site in SEEK or mailed in by check. The Compliance Action Number shall 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.
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 stipulated 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 stipulated 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 City Council of City of Garland in a duly convened meeting with a quorum present. See copy of [meeting minutes or resolution] attached as Exhibit A.
16. The City Council of City of Garland has authorized the Mayor and City Clerk/Treasurer to sign this CAO on behalf of Respondent. See Exhibit A.
17. The City Council of City of Garland 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 as set forth in this CAO. See Exhibit A.

# Consent Administrative Order - Approval Form

version 1.7

(Submission #: HQH-JP29-7RYV4, version 2)

Digitally signed by:  
SEEK Prod - Internal  
Date: 2026.01.09 11:34:57 -06:00  
Reason: Copy Of Record  
Location: State of Arkansas

## Details

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Submission ID HQH-JP29-7RYV4

## Form Input

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### Consent Administrative Order

#### Case Number

CAO-25-0047

#### Consent Administrative Order Attachment

[Proposed CAO City of Garland.pdf - 12/03/2025 03:25 PM](#)

#### Comment

NONE PROVIDED

## Revisions

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Revision	Revision Date	Revision By
Revision 1	12/3/2025 3:11 PM	Leslie Allen-Daniel
Revision 2	12/18/2025 4:02 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** Tyeshekka Antwine on 12/19/2025 at 9:11 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 01/09/2026 at 11:33 AM

RESOLUTION NO. 2025-9

A RESOLUTION AUTHORIZING THE CITY OF Garland City 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 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 THE CITY COUNCIL OF THE CITY OF Garland City :**

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 Garland City authorizes the Mayor to sign the proposed Consent Administrative Order.*
3. *The City Council of the City of Garland City 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.*

Adopted on this 8<sup>th</sup> day of December, 2025

APPROVED: *Ned Ak*  
Mayor

ATTEST: *Linda Dudley*  
City Clerk