

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

IN THE MATTER OF:

AFIN: 67-00094

Case #: CAO-26-0006

Gillham Regional Wastewater District  
P.O. Box 230  
Wickes, AR 71973

**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 Gillham Regional Wastewater District (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 428 Valley Road, Gillham, Sevier County, Arkansas (Site).
2. DEQ issued National Pollutant Discharge Elimination System (NPDES) Permit AR0047996 (Permit) to Respondent on October 16, 2022, with an effective date of November 1, 2022, and expiration date of October 31, 2027.

3. Respondent discharges treated municipal wastewater to Bellah Creek, thence to Lake DeQueen, thence to Rolling Fork, thence to the Little River, thence to the Red River in Segment 1C of the Red 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) Effluent Violations (NPDES Part 1.A) A review of the Discharge Monitoring Reports (DMRs) from February 1, 2023, through January 31, 2026, revealed that Respondent reported the following twenty (20) effluent violations:

<b>Pollutant</b>	<b>Number of Violations</b>
pH	7
Fecal Coliform Bacteria	5
Total Suspended Solids	4
Total Residual Chlorine (TRC)	3
Ammonia Nitrogen	1

(b) Failure to achieve compliance with the final effluent limits as required by Part I.B of the Permit is a violation of Part I.B of the Permit and therefore is a violation of Ark. Code Ann. § 8-4-217(a)(3). Respondent failed to achieve compliance with the final effluent limits of the Permit for TRC within three (3) years of the effective date of the Permit.

(c) Failure to submit annual progress reports as required by Part I.B of the Permit is a violation of Part I.B of the Permit and therefore is a violation of Ark. Code Ann. § 8-4-217(a)(3).

(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; Part III.D.4) The review of DMRs from February 1, 2023, through January 31, 2026, revealed that Respondent submitted four (4) DMRs past the due date.

**Order and Agreement**

WHEREFORE, the parties stipulate and agree as follows:

1. Within thirty (30) calendar days of the effective date of this CAO, Respondent shall submit a Corrective Action Plan (CAP) to DEQ for review and approval. The CAP shall be developed by a professional engineer licensed in Arkansas and include, at minimum, the methods and best available technologies that will be used to correct the violations listed above and prevent future violations and shall include a reasonable milestone schedule to achieve compliance with the Permit. Upon review and approval by DEQ, Respondent shall comply with the terms, milestone schedule, and final compliance date contained in the approved CAP. The milestone schedule and final compliance date shall be fully enforceable as terms of this CAO.
2. Respondent shall submit quarterly progress reports detailing the progress that has been made towards compliance with the Permit, including the permitted effluent limits set forth in Part I.A of the Permit. Quarterly progress reports shall be submitted by the fifteenth (15) day of the month following the calendar quarter: January 15th; April 15th; July 15th; and October 15th.
3. Within thirty (30) calendar days of the final compliance date in the approved CAP, Respondent shall submit a final compliance report that includes a certification of compliance, signed and stamped by a professional engineer licensed in Arkansas and signed by the Responsible Official of Respondent.
4. Respondent shall submit DMRs in accordance with the Permit.
5. In compromise and full settlement of the violations specified in the Findings of Fact, Respondent agrees to pay a civil penalty of Seven Thousand Nine Hundred dollars (\$7900.00), or one-half of the penalty, Three Thousand Nine Hundred and Fifty dollars (\$3950.00) 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.

6. 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.
7. 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.

8. 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.
9. 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.
10. 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.

11. 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.
12. 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.
13. 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.
14. This CAO has been reviewed and approved by the Board of Respondent in a duly convened meeting with a quorum present. It is the intention of Respondent to be bound by the terms in this CAO. See copy of meeting minutes or resolution attached as Exhibit A.
15. The Board of Respondent has authorized the Board member signing this CAO to sign this CAO on behalf of Respondent. See Exhibit A.
16. The Board of Respondent has authorized Respondent to expend funds for compliance activities required by this CAO including but not limited to the payment of a civil penalty. See Exhibit A.

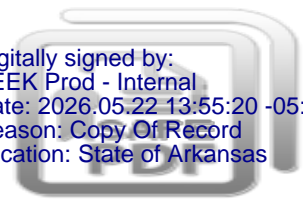
It is so ordered.

# Consent Administrative Order - Approval Form

version 1.8

(Submission #: HQN-GBBH-XZBJN, version 1)

Digitally signed by:  
SEEK Prod - Internal  
Date: 2026.05.22 13:55:20 -05:00  
Reason: Copy Of Record  
Location: State of Arkansas



## Details

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**Submission ID** HQN-GBBH-XZBJN

## Form Input

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### Consent Administrative Order

**Case Number**

CAO-26-0006

**Consent Administrative Order Attachment**

Proposed CAO\_Gillham Regional WW District.pdf - 05/12/2026 02:16 PM

**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** Terry Holman on 05/12/2026 at 2:23 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 05/22/2026 at 1:54 PM

RESOLUTION NO. 2026-1

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

*WHEREAS, it is in the wastewater 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 BOARD OF DIRECTORS OF THE GILLHAM REGIONAL WASTEWATER DISTRICT:**

- 1. The proposed Consent Administrative Order has been reviewed and approved by the Council in a duly convened meeting with a quorum present.*
- 2. The Council of the Wastewater district of GILLHAM authorizes the PRESIDENT to sign the proposed Consent Administrative Order.*
- 3. The City Council of the Wastewater district of Gillham authorizes the President 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 2 day of June, 2026

APPROVED: Tony Holman  
President

ATTEST: Augusta M. Sullivan  
Vice president