

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

IN THE MATTER OF:

AFIN: 23-01392

Case #: CAO-25-0018

JJR Construction, LLC
South of 1115 Hwy 65N
Greenbrier, AR, 72058

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 JJR Construction, LLC - 123-0349 Ules Watson (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 construction site located south of 1115 Hwy 65N, Greenbrier, Faulkner County, Arkansas (Site).
2. 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.

3. 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.”
4. Pursuant to 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.”
5. DEQ is authorized under the Arkansas Water and Air Pollution Control Act (“Act”) to issue National Pollutant Discharge Elimination System (NPDES) permits in the State of Arkansas and to initiate an enforcement action for any violation of a NPDES permit.
6. Pursuant to the Federal Clean Water Act, 33 U.S.C. 1311(a) et seq., 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(a).
7. Respondent is regulated pursuant to the NPDES program.
8. DEQ regulates stormwater discharges associated with construction activity pursuant to the NPDES Stormwater Construction General Permit, Permit Number ARR150000 (“CGP”), which was issued on May 4, 2021, became effective on November 1, 2021, and expires on October 31, 2026.
9. On August 26, 2024, DEQ received a complaint regarding sediment and debris discharging from construction activity at the site.
10. On September 6, 2024, DEQ performed an evaluation at the Site.
11. Respondent’s activities at the Site fall within the definition of “Construction Activity” as defined in 40 C.F.R. § 122.26(b)(14)(x), as incorporated in 8 CAR Part 25. NPDES permit

coverage is required for stormwater discharges associated with construction activity pursuant to 40 C.F.R. § 122.26(a)(1)(ii), as incorporated in 8 CAR Part 25.

12. On September 17, 2024, DEQ received a Notice of Intent (NOI) and Stormwater Pollution Prevention Plan (SWPPP) from Respondent. DEQ received additional information received by February 27, 2025. To date, CGP coverage has not been issued to Respondent.
13. On October 4, 2024, DEQ notified Respondent of the evaluation results and requested a written response addressing the non-compliance items be submitted by November 3, 2024.
14. On February 13, 2025, DEQ sent Respondent a Notice of Non-Compliance stating the violations and initiating formal enforcement.
15. List of Violations:
 - (a) Operating without a permit. (Ark. Code Ann. § 8-4-217(b)(1)) Respondent was performing construction activities without first obtaining coverage under the CGP.
 - (b) Place or cause to be placed any sewage, industrial waste, or other wastes in a location where it is likely to cause pollution of any waters of this state. (Ark. Code Ann. § 8-4-217(a)(2)) The September 6, 2024, inspection revealed sediment and concrete washout discharge to locations that are likely to cause pollution to waters of the state.

Each of the violations stated 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. Within fifteen (15) calendar days of the effective date of this CAO, Respondent shall submit a complete NOI and SWPPP to the Office of Water Quality through SEEK.

2. Respondent shall immediately comply with the NPDES Stormwater Construction General Permit (CGP).
3. Within thirty (30) calendar days of the effective date of this CAO, Respondent shall submit to DEQ a written response to the violations cited in the September 6, 2024 inspection. At minimum, the response shall include a written summary detailing all corrective actions, demonstrating that corrective actions have been taken to address the cited violations, and that appropriate Best Management Practices (BMPs) have been installed and maintained.
4. On or before the fifteenth (15th) day of the month following the effective date of this CAO, and each month thereafter for a period of one (1) year (totaling twelve (12) reports) or until Respondent's coverage under the CGP has been terminated, whichever occurs first, Respondent shall submit monthly progress reports documenting the implemented BMPs, ongoing good housekeeping, and all corrective actions taken to ensure silt and sediment are not leaving the site in compliance with the CGP. The progress report shall include, at minimum, copies of the site inspections, photographs documenting properly installed and maintained BMPs, and updates to the SWPPP and site map, as necessary.
5. In compromise and full settlement of the violations specified in the FINDINGS OF FACT, Respondent agrees to pay a civil penalty of Three Thousand Four Hundred Dollars (\$3400.00), or one-half of the penalty, One Thousand Seven Hundred Dollars (\$1700.00), 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. Paper check payments require

the Compliance Action Number be referenced in the memo line of the check, be made payable to: DEQ, and mailed 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 Part 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.
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. The individual signing this CAO represents that he or she is a Managing Member or otherwise authorized representative of Respondent, being duly authorized to execute and bind Respondent to the terms contained herein. Execution of this CAO by an individual other than a Managing Member of Respondent shall be accompanied by a resolution granting signature authority to said individual as duly ratified by the governing body of the entity.

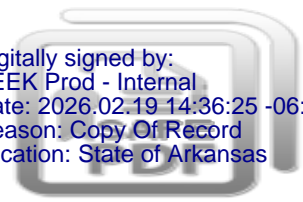
It is so ordered.

Consent Administrative Order - Approval Form

version 1.8

(Submission #: HQJ-J2GE-AETBK, version 2)

Digitally signed by:
SEEK Prod - Internal
Date: 2026.02.19 14:36:25 -06:00
Reason: Copy Of Record
Location: State of Arkansas



Details

Submission ID HQJ-J2GE-AETBK

Form Input

Consent Administrative Order

Case Number

CAO-25-0018

Consent Administrative Order Attachment

ENF - CAO.pdf - 01/12/2026 02:02 PM

Comment

NONE PROVIDED

Revisions

Revision	Revision Date	Revision By
Revision 1	1/12/2026 1:52 PM	Kayla Grabinski
Revision 2	2/11/2026 2:04 PM	Kayla Grabinski

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 Cole Allen on 02/11/2026 at 3:59 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 02/19/2026 at 2:35 PM