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Storage Tank Enforcement: Arkansas Department of Environmental Quality and Underground Storage Tank Testing Company Enter Into A Consent Administrative Order to Address Alleged Violations

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The Arkansas Department of Environmental Quality ("ADEQ") and TLP Enterprise ("TLP") entered into a December 23rd Consent Administrative Order ("CAO") to address an alleged violation of Arkansas Pollution Control and Ecology Commission Regulation No. 12. See LIS 15-147.

Regulation No. 12 includes provisions that require contractors/companies and individuals who install, repair, upgrade, close or test underground storage tanks ("USTs") to obtain licenses from ADEQ prior to undertaking such activities.

The CAO provides that TLP held an ADEQ license to test USTs. ADEQ is stated to have mailed a testing license renewal reminder to TLP noting that the license would expire on July 31, 2014.

The CAO states that on August 6, 2014 ADEQ received a partial renewal application which did not include documentation demonstrating that TLP had completed at least three UST system tests during the two year period preceding the renewal application. Such system tests are required by 12.610(D)(2) of Regulation No. 12.

The CAO states as to TLP's license, number 001146,:

... expired on July 31, 2014. After Respondent's license was expired, specifically between August 4, 2014, and March 8, 2015, Respondent performed testing on USTs in the State of Arkansas, using expired license number 001146. This act is a violation of Ark. Code Ann. § 8-7-805(a) and APC&EC Reg. 12.610(E).

ADEQ is stated to have requested a list a facilities that were tested by TLP after the license expired. It allegedly determined that TLP tested a total of 38 lines located at 10 different facilities after the testing license expired.

TLP agrees to a civil penalty of \$12,000.

[Click here to download a copy of the CAO.](#)