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# Transportation/Hazardous Waste Enforcement: Arkansas Department of Environmental Quality and Mobile Paint Shop Operator Enter Into Consent Administrative Order Addressing Alleged Violations

## Arkansas Environmental, Energy, and Water Law Blog

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The Arkansas Department of Environmental Quality ("ADEQ") and Custom Colors of Arkansas ("CCA") entered into a January 19<sup>th</sup> Consent Administrative Order ("CAO") addressing alleged hazardous waste regulatory violations. See LIS 16-009.

The CAO describes CCA as operating a:

... mobile paint shop from an enclosed trailer that travels to car dealerships to perform minor paint repairs for dents and scratches. Respondent does not have a permanent location and performs all painting from the mobile trailer.

CCA is further described as utilizing a paint thinner as a solvent to clean out paint guns and is a Conditionally Exempt Small Quantity Generator. The used paint thinner is stated to carry hazardous waste codes D001, F003 and F005.

The CAO provides that ADEQ conducted a Compliance Evaluation Inspection ("CEI") of CCA's facility and identified alleged violations including:

- During the CEI, Respondent indicated that all waste solvent is accumulated in a five (5) gallon container located inside Respondent's enclosed mobile paint trailer until it is full, which can take up to three (3) months. Once full, the waste solvent is delivered to O'Reilly Auto Parts at 4350 Stockton Drive in North Little Rock, Arkansas, where it is managed as hazardous waste, before being sent for disposal at a permitted treatment, storage, and disposal facility (hereinafter "TSDF"). An ADEQ records review showed that Respondent did not have an Environmental Protection Agency (hereinafter "EPA") identification number at the time of the CEI. This failure to possess an EPA identification number while transporting hazardous waste is a violation of APC&EC Regulation No. 23 § 263.11(a) which states: "A transporter must not transport hazardous wastes in or through Arkansas without having received an EPA identification number."
- At the time of the CEI, Respondent did not have a hazardous waste transportation permit from the Arkansas Highway and Transportation Department (hereinafter "AHTD"). This failure to possess an

AHTD hazardous waste transportation permit while transporting hazardous waste is a violation of APC&EC Regulation No. 23 § 263.13(a) which states in part, “Any person who transports hazardous waste in, from, or through the State of Arkansas shall comply with the permitting and other requirements of the Arkansas Highway and Transportation Department....”

- During the CEI, Respondent indicated that hazardous waste manifests, or other shipping documentation for hazardous waste transport, are not used for the transport of the waste solvent. This is a violation of APC&EC Regulation No. 23 § 263.35(a)(5), which states in part, “Generators of conditionally-exempt small quantities of hazardous waste shall...[m]anifest and send hazardous waste via a transporter (that is permitted by the Arkansas Highway and Transportation Department)....”

CCA is stated to have subsequently:

- Obtained an Environmental Protection Agency identification number
- Obtained an Arkansas Highway and Transportation Department hazardous waste transportation permit
- Stated that Waste Services, Inc. will accept CCA’s hazardous waste for disposal

The CAO requires that within sixty days of the effective date of the CAO CCA submit copies of hazardous waste manifests to ADEQ for review and approval for the first eight weeks following the effective date of the CAO. Further, a civil penalty of \$3,562.50 is assessed if the CAO is returned to ADEQ by a certain date.

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