

## Hazardous Waste Enforcement: Arkansas Department of Environmental Quality and Morrilton, Arkansas Facility Enter into Consent Administrative Order



**Walter Wright, Jr.**  
wwright@mwlaw.com  
(501) 688.8839

11/13/2017

The Arkansas Department of Environmental Quality (“ADEQ”) and Semco LLC (“Semco”) entered into an October 9th Consent Administrative Order (“CAO”) addressing an alleged violation of Arkansas Pollution Control and Ecology Commission Regulation 23. See LIS 17-082.

The CAO describes Semco as a facility located in Morrilton, Arkansas, that is a Small Quantity Generator of hazardous waste.

ADEQ is alleged to have identified a violation based on Arkansas Pollution Control and Ecology Commission Regulation 23 § 262.41 (Annual Report Requirements). The violation is described in Paragraph 5a. in the CAO:

a. Failure to submit a Hazardous Waste Annual Report: As a Small Quantity Generator of hazardous waste in Arkansas, Respondent is required to submit a Hazardous Waste Annual Report to ADEQ by March 1 for the preceding calendar year. On December 19, 2016, ADEQ sent a reminder letter to submit the 2016 Annual Report by March 1, 2017. On March 16, 2017, ADEQ sent a certified letter to Respondent notifying them that they were in violation of APC&EC Regulation 23 § 262.41 and Ark. Code Ann. § 8-7-201 et. seq., and to submit the 2016 Annual Report within thirty (30) calendar days of receiving this letter. Respondent received this letter March 20, 2017 and therefore should have submitted the Annual Report by April 19, 2017. Respondent’s employee contacted ADEQ on or about March 23, 2017 to request instructions for submitting the Annual Report. ADEQ emailed Respondent these instructions on March 23, 2017. Failure to submit a Hazardous Waste Annual Report is a violation of APC&EC Regulation No. 23 § 262.41, which states in part, “Any person who generated more than 100kg of hazardous waste in any given month during the preceding calendar year in the State of Arkansas must prepare and submit a single copy of an Annual Report to the Director not later than March 1 of each year.” This is also a violation of Ark. Code Ann. 8-7-205(1).

The CAO requires that Semco agree to immediately submit its 2016 Hazardous Waste Annual Report. The company further agrees to conduct an “Internal Compliance Audit” of all hazardous waste management units and related activities (“Audit”). The Audit is required to be of sufficient scope to identify any instances of noncompliance with applicable hazardous waste management requirements, whether identified by the Compliance Evaluation Inspection Report or not.

Semco is also required to submit a report to the agency describing actions taken to achieve and maintain compliance with respect to any instances of noncompliance detected by the Compliance Evaluation Inspection Report and the Audit. In addition, within 60 days of the effective date of the CAO Semco is required to conduct a Pollution Prevention Study to investigate ways to reduce the amount of waste from the facility and submit a Report of Findings specific to the Pollution Prevention Study to ADEQ for review and approval.

A civil penalty of \$1,125 is assessed which could have been reduced to \$562.50 if the CAO was signed and returned to ADEQ within 20 days after the CAO was received.

[A copy of the CAO can be downloaded here.](#)