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# Hazardous Waste Enforcement: Arkansas Department of Environmental Quality and Hot Springs, Arkansas Boat Manufacturing Facility Enter into Consent Administrative Order

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The Arkansas Department of Environmental Quality (“ADEQ”) and Aluma-Weld, Inc. (“AWI”) entered a Consent Administrative Order addressing alleged violations of Arkansas Pollution Control and Ecology Commission (“APC&EC”) Regulation No. 23 (Hazardous Waste Management). See LIS 17-091.

The CAO provides that AWI operates an aluminum-hulled boat manufacturing facility (“Facility”) in Hot Springs, Arkansas.

The AWI Facility is stated to generate characteristic and listed hazardous waste through its cleaning and paint spraying operations conducted as part of the manufacturing process. It is also described as a Large Quantity Generator (“LQG”) of hazardous waste.

ADEQ conducted a Compliance Evaluation at the Facility on November 8th and identified the following alleged violations:

1. APC&EC Reg. No. 23 § 262.11 – Failure to determine if a solid waste is a hazardous waste through testing or knowledge of process
2. APC&EC Reg. No. 23 § 265.173(a) – Failure to keep a container holding hazardous waste closed, except when it is necessary to add or remove waste
3. APC&EC Reg. No. 23 § 262.34(c)(1)(ii) – Failure to mark a Satellite Accumulation Area (“SAA”) container with the words “Hazardous Waste” or other words to identify the contents of the container
4. APC&EC Reg. No. 23 § 262.34(a)(2) – Failure to clearly mark the date upon which each period of accumulation begins on each container
5. APC&EC Reg. No. 23 § 262.34(a)(3) – Failure to label or clearly mark containers being accumulated on-site for 90 days or less with the words “Hazardous Waste”
6. APC&EC Reg. No. 23 § 265.16(c) – Failure to provide an annual review of the initial training for employees

7. APC&EC Reg. No. 23 § 265.16(d)(3) – Failure to maintain a written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed under each job title
8. APC&EC Reg. No. 23 § 265.16(d)(4) – Failure of the owner or operator to maintain training documentation for employees filling a position related to hazardous waste management
9. APC&EC Reg. No. 23 § 265.35 – Failure to maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency
10. APC&EC Reg. No. 23 § 265.174 – Failure to inspect areas where containers are stored at least weekly

AWI is stated to have responded to the CEI Report on January 26th regarding the above alleged violations:

1. AWI submitted documentation indicating that waste determinations for all wastes identified during the CEI have been completed.
2. AWI submitted documentation indicating that self-closing drain funnels have been attached to each SAA container at the Site in order to ensure the containers remain closed during storage
3. AWI submitted photographic documentation showing that SAA containers have been marked with the words “Hazardous Waste.”
4. AWI submitted photographic documentation showing that SAA containers have been marked with their respective accumulation start dates.
5. AWI submitted photographic documentation showing that containers used for accumulating hazardous waste have been marked with the words “Hazardous Waste.”
6. AWI submitted documentation indicating that the required annual review for RCRA training has been completed.
7. AWI submitted a written job description that included the required RCRA training for each person who fills a position listed under each job title.
8. AWI submitted documentation indicating that the required RCRA training has been completed by personnel at the Site. AWI will maintain those records of training.
9. AWI submitted photographic documentation showing that hazardous waste containers have been reorganized to ensure adequate aisle space to allow for the unobstructed movement of personnel and emergency equipment.
10. AWI submitted weekly inspection checklists from December 15, 2016, through January 26, 2017.

The CAO requires that AWI conduct an Internal Compliance Audit (“Audit”) of:

. . . all hazardous waste management units and related activities.

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 CEI Report or not.

AWI is required to submit within 30 days of the effective date of the CAO a report describing:

. . . actions taken to achieve and maintain compliance with respect to any instances of noncompliance detected by the CEI Report and the Internal Compliance Audit. . .

The report is subject to agency approval and if unapproved in whole or in part (because actions taken by AWI were insufficient to achieve compliance) the company is required to undertake any additional actions identified by ADEQ in order to achieve and maintain compliance.

Within 60 calendar days of the effective date of the CAO AWI is required to conduct a Pollution Prevention Study ("PPS") to investigate ways to reduce the amount of waste from the Facility and submit a Report of Findings specific to the PPS to ADEQ for review and approval.

The CAO assesses a civil penalty of \$14,000 which could be reduced by one half if signed and returned to ADEQ within 20 days of receipt of the CAO notice.

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