



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

# Hazardous Waste Enforcement: Arkansas Department of Environmental Quality and Calhoun County, Arkansas Ordnance Manufacturing Facility Enter into Consent Order

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The Arkansas Department of Environmental Quality (“ADEQ”) and Armtec Countermeasures Co. (“ACC”) entered into a March 29th Consent Administrative Order (“CAO”) to address alleged violations of Arkansas Pollution Control & Ecology Commission Regulation No. 23 (Hazardous Waste Management). See LIS No. 19-028.

The CAO provides that ACC manufactures flares and explosive ordnances for the United States Department of Defense at a facility (“Site”) in Calhoun County, Arkansas.

The Site is stated to generate hazardous waste that consists of off-specification waste explosives and explosives that have been contaminated with foreign materials. It is also stated to be classified as a small quantity generator of hazardous waste.

ACC was issued a Resource Conservation and Recovery Act (“RCRA”) permit in 2007 for the thermal treatment of hazardous waste. Further referenced are two CAOs that ACC previously entered into with ADEQ.

ADEQ is stated to have received a Non-Compliance Report (“NCR”) from ACC on March 20, 2018, referencing its discovery of material not completely produced at the site. Further, such material was stated to have been identified for offsite treatment and mixed with normal production waste material and treated on site.

The CAO provides that based on a review of the NCR, ADEQ identified certain alleged violations:

1. According to the NCR, a bag of flares containing perchlorate was placed into a container destined for open burning at Respondent's permitted open burn unit and ultimately treated. The Waste Analysis Plan submitted with Respondent's Part B application for Permit 26H-RN1 contains tables of waste types to be treated at the open burn unit. The table indicated incinerated flares would only contain magnesium, Teflon, and Fluorel. Treating flares with constituents not listed on the Waste Analysis Plan is not allowed by the Permit and is a violation

of Permit: 26H-RN1, Module XIV.C.2., which states that the Permittee is prohibited from treating hazardous waste not identified in Permit Module XIV, Condition C.1.

2. According to the NCR, ADEQ did not receive the NCR until March 20, 2018. The incident occurred on March 13, 2018. This is two (2) calendar days past the five (5) day deadline to provide a written report to ADEQ. Further, the NCR did not include the exact time that the incident occurred or any steps that have been taken by Respondent to reduce, eliminate, and prevent future reoccurrences of noncompliance. This is a violation of APC&EC Reg. 23 § 270.30(1)(6)(G)(iii) and Permit 26H-RN1, Module I.E.14.C., which states that a written submission shall be provided within five (5) calendar days of the time the Permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period(s) of noncompliance (including exact dates and times); whether the noncompliance has been corrected; and, if not, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

ACC is stated to have provided ADEQ information indicating the time of the incident and corrective actions that have been taken to reduce, eliminate and prevent reoccurrence of noncompliance.

The CAO requires that ACC submit documentation to ADEQ of the training provided all technicians as a result of the incident.

A civil penalty of \$2,150 is assessed.

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