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Hazardous Waste Enforcement: Arkansas Department of Environmental Quality and Union County, Arkansas Hazardous Waste Incinerator Enter into Consent Administrative Order

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The Arkansas Department of Environmental Quality ("ADEQ") and Clean Harbors El Dorado, LLC ("Clean Harbors") entered into a May 17th Consent Administrative Order ("CAO") addressing alleged violations of

Arkansas Pollution Control and Ecology Commission ("APC&EC") Regulation No. 23. See LIS No. 19-048.

Clean Harbors is stated to operate a commercial incinerator ("Facility") designed to treat hazardous and non-hazardous waste in Union County, Arkansas.

The Facility is stated to include permitted units to store and treat waste before and after incineration. Such units are stated to include tank storage, tank treatment, container storage, various shredders, and other mechanical processing equipment.

ADEQ issued a Resource Conservation and Recovery Act ("RCRA") permit to Clean Harbors on June 26, 2018. The Facility is also described as a Large Quantity Generator of Hazardous Waste.

ADEQ is stated to have conducted a Compliance Evaluation Inspection ("CEI") at the Facility on May 7 through May 10, 2018. The CEI allegedly identified certain violations of APC&EC Regulation 23, which included:

- Violation of Regulation No. 23 § 265.193(c)(3), which states in part, ". . . [S]econdary containment systems must be . . . provided with a leak detection system that is designed and operated so that it will detect the failure of either the primary and secondary containment structure or any release of hazardous waste or accumulated liquid in the secondary containment system within 24 hours."
- Failure to properly conduct and document inspections of the referenced containment systems constituting a violation of Regulation 23, Section 265.195(b)(3), which states in part, ". . . [T]he owner or operator must inspect at least once each operating day . . . [t]he construction materials and the area immediately surrounding the externally accessible portion of the tank system, including the secondary containment system to detect erosion or signs of releases of hazardous waste".

Clean Harbors neither admits nor denies the allegations or issues currently in dispute in the CAO.

The CAO requires that Clean Harbors submit documentation to ADEQ that the secondary containment system of Tank 144TNK587 is free of pitting and cracking.

Clean Harbors is also provided the opportunity to submit a proposal for a Supplemental Environmental Project ("SEP") (including an Implementation and Compliance Schedule). If approved the cost of the SEP would be credited against a civil penalty not to exceed a reduction of \$2,800.

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