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Hazardous Waste Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and Searcy Truck/Vehicle Services Facility Enter into Consent Administrative Order

09/23/2020

The Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) and Robbie’s Truck Repair, LTD (“RTR”) entered into a September 10th Consent Administrative Order (“CAO”) addressing alleged violations of Arkansas Pollution Control and Ecology Commission Regulation No. 23 (Hazardous Waste Regulations). See LIS 20-171.

The CAO provides that RTR owns and operates a truck and vehicle services facility (“Facility”) in Searcy, Arkansas.

The Facility is stated to generate used motor oil through truck repair and vehicle services. These are stated to include oil changes, fluid checks, and scheduled maintenance.

The Facility is stated to be a small quantity handler of universal waste.

DEQ is stated to have conducted a complaint investigation at the Facility on December 3, 2018. The agency is stated to have identified the following violations of Regulation 23, Section 279, including:

- Failure to label or mark clearly containers used to store used oil with the words “Used Oil”
- Storing used oil in containers that were not in good condition
- Failure to stop the release of used oil into the environment
- Failure to contain the release of used oil
- Failure to clean the areas of released used oil
- Failure to repair or replace leaking used oil containers prior to returning them to service

RTR is stated to have submitted to DEQ a response to the investigation. Further, an additional response is stated to have been submitted to DEQ on February 18, 2019 (which was deemed inadequate).

The CAO requires upon its effective date that RTR conduct an Internal Compliance Audit of all hazardous waste management practices and related activities. It is required to be of sufficient scope to identify any instances of noncompliance with applicable hazardous waste management requirements, whether identified by the investigation report or not.

The CAO also requires within 30 calendar days of its effective date that RTR submit to DEQ a report describing actions taken to achieve and maintain compliance with respect to any instances of noncompliance revealed by the Internal Compliance Audit. Such report will be subject to approval by DEQ. Further, additional information is required to be provided by RTR indicating contamination has been addressed.

Finally, a sampling and analysis plan is required to be submitted within 90 calendar days of the effective date of the CAO for approval to DEQ and a clean-up or remediation plan.

A \$12,500 penalty was assessed which could have been reduced by one-half if the CAO was signed and returned to DEQ within 20 calendar days of its effective date.

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