

## Solid Waste/Water Enforcement: Arkansas Department of Energy and Environment and Sites Owner Enter into Consent Administrative Order



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The Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) and A & B Timber, Inc. (“A & B”) entered into a February 1st Consent Administrative Order (“CAO”) addressing alleged violations of certain Arkansas solid waste and water pollution provisions. See LIS No. 21-017.

The CAO provides that DEQ investigated complaints alleging that A & B:

... improperly disposed of solid waste and caused pollution of waters of the state at a site located northwest of the intersection of Calhoun 53 and Calhoun 235, Hampton, Calhoun County, Arkansas (“Site 1”) and at another site located at 5865 Calhoun 40, Hampton, Calhoun County, Arkansas (“Site 2”).

A & B is stated to own Site 1 which is referenced as containing a disused mining pit. Site 1 is stated to not constitute a permitted Solid Waste Disposal Facility. Further, Site 2 is stated to not constitute a Solid Waste Disposal Facility.

The DEQ Office of Water Quality and Office of Land Resources are stated to have investigated Sites 1 and 2. The investigation allegedly indicated the following violations:

- Disposal of solid waste in such a manner as to cause or be likely to cause water pollution
- Failure to apply for National Pollution Discharge Elimination System permit coverage for discharges to waters of the state
- Operating Sites 1 and 2 as a disposal site for hardwood chips and sawdust without having obtained a permit from DEQ, allegedly constituting unpermitted disposal violating Arkansas Pollution Control and Ecology Commission Regulation 22.1502(a)
- Disposing of solid waste at a disposal site or facility other than a disposal site or facility for which a permit has been issued by DEQ

In response to DEQ correspondence A & B is stated to have indicated that it had taken actions at Sites 1 and 2 to prevent leachate from the woodchips from reaching waters of the state. It is also indicated to have stated that woodchips were no longer being unloaded at Site 1 or Site 2. A & B was requested to provide additional information regarding the removal of the solid waste at Sites 1 and 2.

A & B is indicated to have stated to DEQ at a meeting that the process of removing the woodchips that had been placed at Site 2 was being undertaken and that woodchips would be removed from Site 1 once removal activities at Site 2 were complete. DEQ requested documentation regarding such removal activities. A & B is stated to have indicated on July 14, 2020, that half of the improperly disposed solid

waste from one of the sites had been addressed but could not provide an estimated date for completing removal activities.

The CAO prohibits:

- Disposal of any waste at any location where it is likely to cause pollution to land or waters of the state
- Disposal of any solid waste at an unpermitted site
- Operating unpermitted disposal sites

A & B is required to take the necessary action to prevent the discharge of leachate from Site 1 and Site 2.

Further, within 30 days of the effective date of the CAO, A & B is required to submit to DEQ for review and approval, a comprehensive report detailing the actions taken to remove woodchips from Sites 1 and 2 including a description of the methods and practice for removing the waste.

A & B is required to submit to DEQ, within 60 calendar days of the effective date of the CAO, a comprehensive Corrective Action Plan (“CAP”) developed and stamped by an Arkansas Professional Engineer which will include at a minimum the methods and best available technologies that will be used to stop the discharge of water and leachate from Sites 1 and 2 and remove woodchips from Sites 1 and 2 along with remediation of any pollution to the affected lands and waters. The CAP is required to include a reasonable milestone schedule with a date of final completion. Monthly progress reports are required to be submitted.

A civil penalty of \$11,200 is assessed which is conditionally suspended if A & B fully complies with the CAO.

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