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## Hazardous Waste Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and Osceola Greetings Card Manufacturer Enter into Consent Administrative Order

07/02/2021

The Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) and American Greetings Corporation (“AGC”) entered into a June 24th Consent Administrative Order (“CAO”) addressing an alleged violation of Arkansas Pollution Control and Ecology Commission (“APC&EC”) Rule 23 (Hazardous Waste Rules). See LIS No. 21-061.

The CAO provides that AGC is a greeting cards manufacturer whose process includes a copper and magnesium plate-etching process in Osceola, Arkansas. AGC’s facility is stated to be a Large Quantity Generator of hazardous waste.

AGC is stated to have prior to January 7, 2020, disposed of hazardous waste generated by its plate-etching process (Filter Cake Waste) at a non-RCRA solid waste landfill.

The CAO provides in Paragraph 6 that:

In November 2019, in response to comments from an outside vendor regarding Respondent’s Filter Cake Waste, Respondent took efforts to confirm the RCRA status of the Filter Cake Waste by sending it to a certified lab. The lab concluded the Filter Cake Waste did not present leachable forms of hazardous constituents. Following this lab assessment, Respondent initiated a voluntary environmental audit.

AGC is stated to have begun disposing of the Filter Cake Waste on January 7, 2020, at a RCRA-permitted landfill as a listed hazardous waste (F006).

The previously referenced environmental audit that had been begun was not completed until July 2020 because of the COVID-19 pandemic. It concluded that the Filter Cake Waste was not a characteristic or listed hazardous waste. However, the CAO provides that AGC initiated a second voluntary environmental audit which concluded that this waste was a listed hazardous waste (F006).

AGC is stated to have submitted to DEQ a Voluntary Disclosure Report, self-reporting information concerning the violations pursuant to DEQ’s Environmental Self-Disclosure Policy. Consequently, DEQ determined that AGC failed to make a waste determination of the Filter Cake Waste in violation of

APC&EC Rule 23 § 262.11 and disposed of Filter Cake Waste at a facility that was not permitted to accept such waste in violation of APC&EC Rule 23 § 2(c).

DEQ subsequently notified AGC on March 1, 2020, that the Self-Disclosure submittal did not meet the prompt disclosure requirement of the agency's policy.

The CAO requires that within 30 days of its effective date AGC submit documentation of retraining conducted with all personnel that manage hazardous waste. The training requires specific focus on the F006 wastes stream. Such documentation is required to include but not be limited to training materials, logs, and attendance documentation. Further, within the same time span AGC is required to submit a copy of waste handling procedures that include the F006 waste stream.

A reduced civil penalty of \$1,250 is assessed.

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