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Hazardous Waste Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and Van Buren Metal Fabrication/Finishing Facility Enter into Consent Administrative Order

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The Arkansas Department of Energy and Environment - Division of Environmental Quality ("DEQ") and Solder Plating, LLC ("SP"), entered into a July 22nd Consent Administrative Order ("CAO") addressing alleged violations of the Arkansas Hazardous Waste Regulations (Arkansas Pollution Control and Ecology Commission [PC&E] Rule No. 23). See LIS No. 21-070.

The CAO provides that SP operates a metal fabrication and finishing facility ("Facility") in Van Buren, Arkansas.

The Facility is described as offering tin, nickel, and tin-lead alloy electroplating finishes for fabricated copper parts for distribution to its customers within the original equipment manufacturer market. Further, it is classified as a Large Quantity Generator of hazardous waste.

DEQ is stated to have conducted a Compliance Evaluation Inspection ("CEI") at the Facility on November 20, 2019. A follow-up sampling investigation is stated to have been conducted on December 12, 2019. Violations of PC&E Rule 23 allegedly identified included:

- Failure to determine if a solid waste is a hazardous waste
- Failure to mark the date upon which each period of accumulation begins on a hazardous waste container
- Failure to label or mark clearly hazardous waste containers accumulated on-site with the words "hazardous waste"
- Accumulating hazardous waste on-site for greater than 90 days
- Failure to maintain adequate aisle space to allow for the unobstructed movement of personnel, fire protection equipment, and decontamination equipment to any area of the Facility in an emergency
- Failure to inspect areas where containers are stored, looking for leaking containers and for deterioration of containers caused by corrosion or other factors

- Failure to keep a container holding hazardous waste closed, except when it is necessary to add or remove waste
- Failure to maintain and operate the Facility in order to minimize the possibility of a fire, explosion, or any other unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to the air, soil, or surface waste which could threaten human health or the environment

DEQ is stated to have notified SP on July 7, 2020, of the alleged findings to which the company submitted a response on August 5, 2020. DEQ is stated to have requested additional information on August 25, 2020.

SP was notified by DEQ on October 15, 2020, that all alleged violations cited during the CEI had been corrected.

The CAO requires within 30 calendar days of its effective date that SP submit a Sampling and Analysis Plan ("SAP") to DEQ designed to determine the extent, type, and concentration of any hazardous substance present at the site. Implementation is required upon written approval from DEQ including subsequent findings.

If the SAP fails to accomplish an adequate determination of the extent, type, or concentration of released hazardous substances or pollutants in the areas investigated, SP is required to amend the SAP as described in the CAO.

A determination that contamination of the environment has occurred requires a certain notification to DEQ and the submission of a Remedial Action Plan ("RAP"). Following completion of remediation activities, a Completion Report must be submitted to DEQ. If such RAP implementation fails to accomplish remediation sufficient to protect human health or the environment, DEQ may require additional remedial activities be conducted.

A civil penalty of \$15,625 is assessed of which \$10,000 is conditionally suspended by DEQ if SP fully complies with the CAO with 18 months of its effective date.

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