

Arkansas Department of Energy & Environment - Division of Environmental Quality/Emergency Order: Polk County Fueling Station



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

06/16/2022

Arkansas Department of Energy & Environment - Division of Environmental Quality ("DEQ") Chief Administrator Julie Linck executed an Emergency Order ("EO") dated June 14th to Mena Short Stop, LLC ("Mena Short Stop"). See LIS 22-068.

Mena Short Stop is described as a fueling station and convenience store in Mena, Arkansas ("Site").

The EO was issued pursuant to Ark. Code Ann. § 8-7-809.

A DEQ Regulated Storage Tank Inspector is stated to have been contacted by Polk County, Arkansas, Department of Emergency Management on April 20th concerning petroleum odors in a structure approximately 200 feet south of the Mena Short Stop. A confirmed underground storage tank ("UST") release is stated to have been identified at the Mena Short Stop. The unleaded gasoline UST is stated to have been removed from service.

A DEQ follow-up inspection was described along with Mena Short Stop's hiring an environmental consultant to assist in remediation activities. Further, emergency response activities at the Site were authorized by DEQ. Remediation activities are stated to have included 8-hour Mobile Dual Phase Extraction events and soil excavation.

DEQ is stated to have subsequently requested services from its on-call contractor to eliminate acute vapors into a commercial structure.

An Interim Remediation Work Plan is stated to have been requested to:

. . . remove as much contamination as possible, as quickly as possible commencing with an underground storage tank (UST) system removal and over-excavation of contaminated soils.

A work plan is stated to have been submitted to excavate contaminated soils on the adjacent impacted properties.

The Chief Administration subsequently ordered:

- Immediate cessation of operation of the UST system at Mena Short Stop
- Immediate initiation of necessary corrective action at the Site for removal of the UST system and surrounding contamination, including but not limited to removal of all existing product from the UST system, contracting with a licensed contractor with a date of commencement, and submission of an

acceptable work plan demonstrating the technical capability and commitment of necessary financial resources adequate for the scope of the work.

- If the RP fails to comply as ordered within the next 24 hours from issuance of the order, DEQ shall take immediate corrective action to protect the public health, welfare and the environment by removing the UST system and removing the petroleum contamination that surrounds the UST system as quickly as possible to eliminate further migration of fuel onto the adjacent properties.

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