



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

# Arkansas Department of Energy & Environment - Division of Environmental Quality/Emergency Order: Polk County Fueling Station Files Hearing Request Before Arkansas Pollution Control & Ecology Commission

06/28/2022

Mena Short Stop, LLC (“Mena Short Stop”) filed on June 23rd a Request for Hearing (“Request”) before the Arkansas Pollution Control & Ecology Commission (“APC&EC”) of an Emergency Order issued by the Chief Administrator of the Arkansas Department of Energy & Environment – Division of Environmental Quality (“DEQ”) on June 14th. See Emergency Order (“EO”) No. LIS: 22-068.

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

A description of DEQ’s issuance of the EO can be found in a previous [blog post](#) here.

The EO describes petroleum odors found 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.

DEQ’s Chief Administrator subsequently ordered in the EO:

- 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.

Mena Short Stop's Request argues that additional investigation of the source of the free gasoline product is needed to determine if there are other leaking USTs in the area. As a result, it asks that the APC&EC's Administrative Law Judge Charles Moulton:

- Order DEQ and its contractor to cease and desist from further excavation of USTs at the Mena Short Stop until a hearing is held
- Hold a hearing within 10 calendar days of the Request
- Determine that the UST located on the Mena Short Stop property was not the cause or source of the gasoline contamination located off the Mena Short Stop property
- Rescind the EO issued by DEQ and allow its contractors to submit a plan for the conduct of further investigation

Administrative Law Judge Moulton issued an Order on June 24th stating that a hearing will be held starting Thursday, June 30th, to address the Request.

A copy of the Request can be downloaded [here](#) and Administrative Law Judge Moulton's Order [here](#).