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Storage Tank Enforcement: Arkansas Department of Energy & Environment - Division of Environmental Quality and North Little Rock Retail Fuel Facility Enter into Consent Administrative Order

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The Arkansas Department of Energy & Environment - Division of Environmental Quality ("DEQ") and Hebron of AR, LLC ("Hebron") entered into an October 27th Consent Administrative Order ("CAO") addressing alleged violations of Arkansas Pollution Control and Ecology Commission Rule Number 12 (Underground Storage Tank Regulations).

The CAO provides that Hebron operates a retail fuel facility ("Facility") in North Little Rock, Arkansas. See LIS No. 22-108.

DEQ is stated to have conducted an inspection of the Facility's underground storage tanks ("USTs") on February 16th. The inspection allegedly identified the following violations:

- Failure to conduct annual automatic line leak detector testing
- Failure to conduct either annual line tightness testing or monthly monitoring
- Failure to conduct cathodic protection testing
- Failure to conduct spill bucket testing
- Failure to install overfill prevention equipment
- Failure to conduct release detection testing

The Facility's contractor, Arkansas Testing Services, conducted line leak detector, line tightness, cathodic protection, spill bucket, and release detection testing on February 21st. Further, the contractor is stated to have, in an email dated February 23rd, included an Overfill Equipment Inspection Recordkeeping Form which confirmed to DEQ that no overfill equipment had been installed on any of the USTs.

DEQ is stated to have red-tagged the tanks, prohibiting fuel delivery on February 25th. On February 28th DEQ is stated to have observed flapper valves being installed by the Facility's contractor. The contractor is stated to have verbally confirmed to DEQ on February 28th that flapper valves had been installed on all the tanks and that parts had been ordered to repair the TS 550 EVO Automatic Tank Gauge ("ATG").

DEQ removed the red tags from the USTs on February 28th. Further, on March 10th the Facility's contractor replaced the spill buckets and performed the appropriate testing.

The CAO requires that on or before its effective date Hebron submit documentation confirming that the ATG has been repaired and that release detection testing is being performed. Further, within 45 calendar days of the effective date of the CAO, Hebron is required to recertify for the appropriate operator certification.

A civil penalty of \$6,200 is assessed which could have been reduced to one half if the CAO was signed and returned to DEQ within 20 calendar days of its receipt.

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