

# Pope County Fuel Station Request for Hearing/Petroleum Storage Tank Trust Fund: Mena Short Stop Motion to Dismiss without Prejudice



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08/28/2023

Mena Short Stop, LLC, (“Mena Short Stop”) filed before the Arkansas Pollution Control & Ecology Commission (“APC&EC”) on August 18th a Motion to Dismiss without Prejudice (“Motion”) a previously submitted Request for Adjudicatory Hearing and APC&EC Review of Reimbursement Method (“Request”). See Docket No.: 23-001-Misc.

See previous blog post [here](#) describing the filing.

Mena Short Stop filed the Request to address an issue arising under the Arkansas Department of Energy & Environment – Division of Environmental Quality’s (“DEQ”) administration of the Arkansas Petroleum Storage Tank Trust Fund (“Trust Fund”).

It argued in its Request that requiring proof of payment to vendors that had provided services as part of the remediation of a petroleum release as a condition precedent for filing an application for reimbursement from the Trust Fund after the owner/operator satisfies the \$7,500 deductible was not legally justifiable nor practical in application.

DEQ subsequently filed a Motion to Dismiss the Request.

Administrative Law Judge Charles Moulton granted Mena Short Stop’s Motion to Dismiss without Prejudice.

A copy of the Motion and Order granting the Motion can be downloaded [here](#).