



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

Hazardous Waste Enforcement: Arkansas Department of Energy & Environment - Division of Environmental Quality and Mena Aircraft Refinishing Facility Enter into Consent Administrative Order

09/14/2023

The Arkansas Department of Energy & Environment – Division of Environmental Quality (“DEQ”) and Crider Aircraft Painting, Inc., (“CAP”) entered into an August 14th Consent Administrative Order (“CAO”) addressing alleged violations of the Arkansas Hazardous Waste regulations. See LIS No. 23-062.

The CAO states that CAP owns and operates an aircraft refinishing facility (“Facility”) in Mena, Arkansas.

The Facility is stated to refinish aircraft for general aviation as well as the commuter industry. It is described as a Large Quantity Generator of hazardous waste.

DEQ is stated to have conducted a Compliance Evaluation Inspection (“CEI”) at the Facility on September 28, 2022. The following violations of Arkansas Pollution Control & Ecology Commission Rule 23 are stated to have been identified during the CEI:

- Accumulating hazardous waste onsite for more than 90 days
- Failure to inspect a tank at least once each operating day
- Failure to mark or label an exterior process tank with the words “Hazardous Waste”
- Failure to obtain a written assessment reviewed and certified by an independent, qualified, Arkansas-registered professional engineer for the easternmost exterior process water tank

CAP is stated to have submitted a response to a DEQ Notification of Findings on November 29, 2022. The company submitted Hazardous Waste Manifest No. 017135446 FLE documenting that the 28 containers identified during the CEI were transported to a treatment, storage, and disposal facility. Further, on December 20, 2022, CAP submitted pictorial evidence indicating that the exterior process tanks had been marked with the words “Hazardous Waste.”

The CAO requires that CAP do the following within 30 days of the effective date of the CAO:

- Submit a written assessment reviewed and certified by an independent, qualified, Arkansas-registered professional engineer attesting that the process water tank has sufficient structural integrity and is acceptable for the storing and treating of hazardous waste.

- Submit all daily tank inspection records from October 1, 2022, through December 31, 2022.

A civil penalty of \$10,000 is assessed which could have been reduced to \$5,000 if the document was signed and returned to DEQ within 20 calendar days of its receipt.

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