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

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The Arkansas Department of Energy and Environment – Division of Environmental Quality and J-Square, Inc. (“J-Square”) entered into an April 18th Consent Administrative Order (“CAO”) addressing alleged violations of the Arkansas Pollution Control and Ecology Commission (“APC&EC”) Rule No. 12 (Storage Tank Rules).

The CAO provides that J-Square owns a retail fuel facility in Conway, Arkansas.

The facility is stated to include three underground storage tanks (“USTs”).

DEQ is stated to have conducted inspection of the facility’s USTs on January 18, 2022. The inspection is stated to have determined that certain USTs were out of compliance due to the following violations:

- Failure to monitor tank No. 3 for releases every 30 days.
- Failure to conduct monthly monitoring for tank No. 3 piping.
- Failure to perform a complete test to proper operation by failing to conduct annual testing of the auto leak detectors for tanks No. 1, 2, and 3.
- Failure to conduct 3-year spill bucket testing for tank No. 1, 2, and 3.
- Failure to conduct 3-year overfill device testing for tank No. 1, 2, and 3.
- Failure to provide records of Class C operator training.
- Failure to conduct monthly walkthrough inspections during 10 of the previous 12 months.

In response to the DEQ queries, Arkansas Petroleum Solutions, LLC is stated to have emailed 3-year spill bucket containment sump testing records and annual line tightness and line leak detector testing results. However, DEQ is stated to have sent an email in response on February 22, 2022 stating that the test results were invalid for certain reasons.

A follow-up inspection is stated to have been conducted by DEQ on March 1, 2022.

ADEQ is stated to have determined that there was a failure to correct the violations during the previous inspection. Further, DEQ determined that the facility failed to conduct 3-year overfill device testing.

Red tags were then attached to fill caps of the facility's three USTs on March 1, 2022.

J-Square's testing contractors submitted line tightness test results on March 3, 2022, to DEQ for tank No. 3 and for the facility's auto leak detectors, spill buckets, containment sumps, overfill devices, and 3-year cathodic survey.

The red tags were subsequently removed.

The CAO assesses a civil penalty of \$1,750.00 which could have been reduced by one half 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](#).