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Storage Tank Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and Benton County Storage Tank Owner Enter into Consent Administrative Order

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The Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) and Darren Libby (“Owner”) entered into a July 19 Consent Administrative Order (“CAO”) addressing alleged violations of Arkansas Pollution Control and Ecology Rule No. 12 See LIS No. 24-119.

The Owner is stated to have owned underground storage tanks (“USTs”) in Benton County, Arkansas.

Owner’s facilities are stated to include three USTs that were installed on January 1, 1996, and two USTs installed on January 1, 1999. Two of the USTs were previously removed.

DEQ is stated to have conducted an inspection of the facility on December 28, 2022. The inspection is stated to have determined that the following violations were identified:

- Failure to conduct tank gauging and vapor monitoring every 30 days for three USTs.
- Failure to conduct 3-year line tightness testing for the pipes conducting in three USTs.
- Failure to provide documentation of annual release detection equipment testing.
- Failure to conduct 3-year spill bucket testing for three USTs.
- Failure to conduct 3-year overfill device testing for three USTs.
- Failure to conduct a 3-year cathodic protection system testing for three USTs.
- Failure to conduct monthly walk-through inspections, remove excess liquid/debris from spill buckets, and maintain accessibility of vapor/groundwater monitoring well.

A follow-up inspection is stated to have been undertaken on January 30, 2023. The Owner is stated to have failed to provide DEQ with documentation pertaining to excavation zone assessment prior to monitoring well installation and tanks and piping materials for construction.

The Owner is stated to have informed DEQ that a fire on March 12 had destroyed the facility records. Additional follow-up inspections were conducted.

On April 1, 2024, DEQ conducted another follow-up inspection of the facility. All USTs were stated to have been emptied and put into temporary closure status.

Red tank tags were removed.

The CAO requires that the Owner comply with 40 CFR § 28, Arkansas Pollution Control and Ecology Commission Rule No. 12 and applicable state and federal rules and regulations. Further, Owner is required to verify all USTs are empty and have no more than 1 inch of liquid at all times. In addition, within 30 calendar days of the effective date of the CAO the Owner is required to submit documentation of 3-year test of the cathodic corrosion protection system for three USTs.

A civil penalty of \$1,500.00 is assessed.

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