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Underground Storage Tank Enforcement: Arkansas Department of Environmental Quality and Pulaski County, Arkansas Wrecker Service Enter Into Consent Administrative Order

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The Arkansas Department of Environmental Quality and Routh Wrecker Service, Inc. d/b/a Routh Service Center (“Routh”) entered into a June 13 Consent Administrative Order (“CAO”) addressing alleged violations of the underground storage tank (“UST”) regulations. See LIS 17-046.

Routh is described as the owner of two USTs located in Little Rock, AR.

The CAO provides that on July 21, 2016, an ADEQ inspector conducted a compliance inspection at the Routh facility. The inspection is stated to have confirmed there were two USTs at this facility. The USTs are stated to have been temporarily closed and empty since January 7, 2003.

Routh was allegedly unable to provide the ADEQ inspector documentation of current three year corrosion protection testing and recertification of the USTs. The alleged failure to test the corrosion protection system every three years is stated to be a violation of 40 C. F. R. § 280.70(a) and 40 C.F.R. § 280.31(b)(1).

The inspection is also alleged to have determined that Routh did not have a Class A and Class B operator designated at the facility. Such an alleged failure is stated to be a violation of Arkansas Pollution Control and Ecology Commission Reg. 12.704(a).

The ADEQ inspector is stated to have provided Routh a copy of the inspection report and a deadline of August 26, 2016, to correct the noted violations. It is alleged that a September 19, 2016 follow-up inspection resulted in Routh failing to provide ADEQ documentation that the required testing recertification had been performed. Routh also allegedly still did not have a Class A or Class B operator designated facility.

A follow-up ADEQ letter noted the alleged violations identified during the inspection and informed Routh that the 2016 annual registration fees for the USTs had not been paid. A date of October 7, 2016, was allegedly not met for providing documentation that the violations had been corrected.

An additional follow-up inspection on November 17, 2016, allegedly determined that the referenced violations had still not been corrected. As a result, the ADEQ inspectors are stated to have red-tagged the USTs.

The CAO provides Routh thirty (30) days from the effective date of the CAP to:

- Submit documentation indicating the corrosion protection system for the USTs has been tested and recertified
- Submit documentation that a certified Class A and Class B operator has been designed
- Pay certain fees that are outstanding

A civil penalty of \$2,700 is assessed which could be reduced by 50% if the CAO was signed and returned to ADEQ prior to a certain date.

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