

Licensing/Underground Storage Tank Enforcement: Arkansas Department of Environmental Quality and Monroe, Louisiana Company Enter into Consent Administrative Order



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The Arkansas Department of Environmental Quality (“ADEQ”) and Philip Bryan Services, L.L.C. (“PBS”) entered into a July 21st Consent Administrative Order (“CAO”) addressing alleged violations of certain licensing provisions of Arkansas Pollution Control and Ecology Commission Regulation No. 12 (Storage Tanks). See LIS 17-051.

Regulation No. 12 imposes certain licensing requirements on persons that install, repair, upgrade and/or close Arkansas underground storage tank (“UST”) systems which contain regulated substances.

The CAO provides that an ADEQ inspector conducted a UST compliance inspection at Jade Foods in Union County, Arkansas, on October 23, 2016. The inspection is stated to have included the review of certain records related to on-site USTs. During the inspection, the ADEQ inspector is stated to have observed two new submersible (“sub”) pumps and line leak detectors (LLDs) installed on the unleaded and diesel sub pumps.

ADEQ is stated to have concluded, after review of certain records, that PBS installed LLDs and sub pumps on the UST located at the Jade Foods facility. The agency is stated to have further determined through a review of its records for licensed contractors that PBS was not licensed to install, repair or upgrade a UST system in the State of Arkansas. This is alleged to constitute a violation of Arkansas Pollution Control and Ecology Commission Reg. 12.504(B).

ADEQ is stated to have subsequently confirmed with PBS that the company did install sub pumps and LLDs for the USTs at the site without a license from the agency.

The CAO assesses a civil penalty of \$1,800. The penalty was reduced to \$900 if the CAO was returned to the agency by July 20, 2017.

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