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Storage Tank/Licensing Enforcement: Arkansas Department of Environmental Quality and Strong, Arkansas Storage Tank Owner Enter into Consent Administrative Order

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The Arkansas Department of Environmental Quality (“ADEQ”) and Dimum, Inc. dba Jade Foods (“DI”) entered into a January 20th Consent Administrative Order (“CAO”) addressing alleged violations of Arkansas Pollution Control and Ecology Commission Regulation No. 12 (Regulated Storage Tanks).

The CAO provides that DI owns three underground storage tanks (“USTs”) in Strong, Arkansas.

An ADEQ inspector is stated to have conducted a UST compliance inspection of the DI facility on August 23, 2016. The inspection is stated to have determined there were three USTs at the facility.

The ADEQ inspector identified two new submersible (“Sub”) pumps and line leak detectors (“LLDs”) installed on the facility’s unleaded and diesel Sub pumps. DI is stated to have been unable to provide an invoice for the work completed on the Sub pumps and the LLDs at the time of the inspection. DI is alleged to have stated that Philip Bryan Services, L.L.C. (“PBS”) did the work on the UST system.

The CAO provides that PBS confirmed that it installed the Sub pumps and LLDs and was not licensed in the State of Arkansas at the time to perform such work. As a result, the CAO provides that DI “employed an individual who was not licensed by the Department to install, repair or upgrade a UST system.” This action is alleged to be a violation of Commission Reg. 12.504(A)(1).

Additional alleged violations identified in the CAO include:

- Failure to provide ADEQ with requested documentation involving release detection monitoring for piping
- Failure to provide ADEQ with documentation regarding testing corrosion protection systems every three years
- Failure to pay tank fees

DI is stated to have paid the past due tank fees on September 9, 2016.

A follow-up inspection was stated to have been undertaken at the DI facility. However, DI is stated to have not received documentation from a contractor who had performed the previously referenced tests. A date was provided for DI to provide such evidence of compliance which was not met. A second follow-

up inspection was conducted on November 9, 2016, and the inspector documented that all Significant Operational Compliance violations had been corrected.

The CAO assesses a civil penalty of \$1,200 which could be reduced to \$600 if the document was signed and returned to ADEQ by December 10th.

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