

ARKANSAS DEPARTMENT OF ENERGY AND ENVIRONMENT, DIVISION OF  
ENVIRONMENTAL QUALITY

IN THE MATTER

CAPITAL FUELS ARKANSAS, LLC  
140 W. 2100 SOUTH, SUITE 234  
SALT LAKE CITY, UT 84115

LS-21-117

AFIN #18-00645

Facility  
ID # 18000068

**CONSENT ADMINISTRATIVE ORDER**

This Consent Administrative Order (CAO) is issued pursuant to the authority of the Petroleum Storage Tank Trust Fund Act, Ark. Code Ann. § 8-7-801 *et seq.*, Ark. Code Ann. § 8-7-901 *et seq.*, the rules promulgated thereunder, in particular Arkansas Pollution Control and Ecology Commission (APC&EC) Rule Number 12.

The issues herein having been settled by agreement of Capital Fuels Arkansas, LLC (Respondent), and the Chief Administrator of the Division of Environmental Quality (DEQ), it is hereby agreed and stipulated that the following Order and Agreement be entered herein with regard to a certain underground storage tank site in Arkansas.

**ORDER AND AGREEMENT**

1. Respondent hereby agrees and warrants to DEQ that it will assume all liability for remediating the leaking underground storage tank release # 18-0123 (release report date August 6, 2013) at the Site known as the Former J-Mart #3 and further described herein.
2. Respondent also agrees and warrants to DEQ that it will assume all third-party liability for the leaking underground storage tank release # 18-0123 at the Site as described herein.
3. DEQ agrees and warrants to Respondent that any eligibility to participate in the Arkansas Petroleum Storage Tank Trust Fund to which Transfuels, LLC was entitled for the leaking

underground storage tank release occurrence at the Site as described herein shall be transferred to Respondent.

4. This Agreement relates only to the Site and the occurrence referenced herein.

5. This Agreement does not relieve Respondent of any requirement dictated by law, nor does it address trust fund eligibility for other or future releases.

6. This Agreement in no way restricts the powers of the Division of Environmental Quality to pursue enforcement actions regarding past, present, or future violations of applicable state law.

7. This Agreement shall be binding upon the parties named and is non-transferable.

8. The Site covered by this Agreement is located at 3955 Southland Drive, West Memphis, Crittenden County, Arkansas. This address corresponds to the Northeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 9, Township 6 North, Range 9 East, West Memphis, Crittenden County, Arkansas.


9. Nothing in this CAO shall be construed as a waiver by DEQ of its authority to recover from any responsible party costs incurred for undertaking corrective action in connection with the Site described herein nor of its authority over violations not specifically addressed herein. This CAO also does not purport in any way to relieve Respondent of its responsibilities for obtaining any necessary permits; nor does it exonerate any past, present, or future conduct except as expressly addressed herein.

10. Respondent agrees to begin corrective action at the leaking underground storage tank release Site identified herein in accordance with DEQ requirements and within sixty (60) days of the effective date of this Order. Respondent further agrees to abide by corrective action timeframes as may be established by DEQ during the course of cleanup.

11. This CAO shall be effective upon its execution in accordance with APC&EC Rule 8.407 (B). DEQ retains the right and discretion to rescind this Order based on public comments received or based on any other considerations which may subsequently arise.

12. By virtue of the signature appearing below, the individual represents that he or she is a Managing Member of Respondent, being duly authorized to execute and bind Respondent to the terms contained herein. Execution of this CAO by any individual other than a Managing Member of Respondent shall be accompanied by a resolution granting signature authority to said individual as duly ratified by the governing body of the entity.

SO ORDERED THIS 17th DAY OF NOVEMBER, 2021.

  
**Julie L. Linck, Chief Administrator**  
DIVISION OF  
ENVIRONMENTAL QUALITY

APPROVED AS TO FORM AND CONTENT:

~~CAPITAL ARKANSAS FUELS, INC.~~ Capital Fuels Arkansas LLC, JS

BY:  TITLE: President  
(Signature)

YU JIANG DATE: Nov 05, 2021  
(Type or Print Name)