

**BEFORE THE ARKANSAS COMMISSION ON
POLLUTION CONTROL AND ECOLOGY**

IN THE MATTER OF:

DOCKET NO: _____

**MENA SHORT STOP, LLC
420 Highway 71 South
Mena, AR 71653
ID #57000053
LUST #57-0032
AFIN #57-00350**

**REQUEST FOR
ADJUDICATORY HEARING AND COMMISSION REVIEW
AND FOR A DECLARATORY ORDER**

1. Pursuant to Ark. Code Ann. 8-7-905(i)(1) and APCEC Regulations No. 8.601(H) and 8.622(A), Mena Short Stop, LLC (herein, "Mena SS"), by its attorney, Richard H. Mays of Richard Mays Law Firm, PLLC, hereby requests an adjudicatory hearing and the opportunity to present evidence and oral argument on the law and facts before the Arkansas Commission on Pollution Control and Ecology (the "Commission") regarding a decision of the Director of the Arkansas Department of Energy and Environment, Division of Environmental Quality (herein, "DEQ") (acting through the Director's delegated officer, Jacqueline Trotta, Trust Fund Administrator, Office of Land Resources) dated May 31, 2023.

2. That decision requires that, when an owner/operator of a facility seeks reimbursement from the Arkansas Petroleum Storage Tank Trust Fund ("the Trust

Fund”) for the costs of corrective action for an accidental release into the environment of petroleum product from a regulated underground storage tank system, evidence that the amount of such costs have been paid in full by the owner/operator must be provided to the DEQ before the claim for reimbursement will be considered.

3. This Request is being filed on behalf of Mena SS within thirty (30) days of the date of the decision made by the Director (acting through his delegated officer, Jacqueline Trotta, Trust Fund Administrator, Office of Land Resources), pursuant to Commission Regulation 8.603(B)(8) and (9), which was May 31, 2023.

GENERAL FACTUAL BACKGROUND

4. Since approximately February 2019, Mena SS has operated a convenience store/gasoline retail sales station at 420 Highway 71 South, Mena, Arkansas (“the Facility”). As part of its gasoline sales operation, the Facility was equipped with underground storage tanks (“USTs”) that contained gasoline. All of the USTs and the accompanying lines had most recently passed tightness testing conducted on April 19, 2022.

5. On or about April 20, 2022, a sudden loss alarm on the Veeder-Root automatic monitoring system in Observation Well 2 (OW-2) on the Facility’s property was activated.

6. The petroleum pump/dispensing system was shut-down and all components of the system were visually inspected, which resulted in the detection of a leak in an unleaded sub-pump functional element and approximately six (6) inches of free product in OW-2. The free product was removed.
7. Mena SS immediately notified by telephone a regional representative of DEQ with authority over underground storage Tanks of the detected leak, and a DEQ representative came to the site. Under his observation, the functional element was replaced and all components of the system that could be visually observed were again inspected.
8. On April 21, 2022, approximately two (2) inches of weathered free product was observed in OW-2. On April 27, 2022, free product was not detected in OW-2.
9. Subsequently, weathered free product was observed in a crawl space of the building containing a Pony Express Printing and Engraving shop located approximately 200 feet south of the Mena SS station and in a water meter housing located at the back of that building. The area was ventilated, and absorbent pads were placed on the visible product. DEQ and the Mena Fire Chief were notified and were on site.
10. On April 27, 2022, the owner of the Pony Express shop again detected gasoline vapors in the building. A contractor of Mena SS, Environmental Pollution Control Inc. ("EPC"), installed a negative pressure venting fan in the building to

remove vapors from the crawl space and the building, which reduced the vapor levels, and continued to monitor the presence of vapors in and around the building.

11. Remediation efforts to determine the source and extent of the contamination at the Mena SS site and off-site are on-going, and to date have included the removal of all USTs from the Mena SS property.

12. As noted above, upon the detection of a leak in the Mena SS UST system, Mena SS retained the services of EPC to take charge of Mena SS's investigation of the leak, and of the existence and extent of gasoline product on and off of the Short Stop site. EPC proceeded to take numerous actions to assess the extent of the contamination, including conducting of physical investigation of the off-site free product; taking soil and water samples, obtaining analysis of those samples, developing reports and proposals to DEQ for site investigation and remediation and a response and remediation plan to minimize spread of the contamination and remove the free product; and hiring of sub-contractors to perform abatement or remedial measures. See Project Summary attached to this Request as **Exhibit No.**

1.

13. In performing these activities on behalf of Mena SS, EPC incurred costs on behalf of Mena SS in an amount exceeding \$7,500.00. Mena SS reimbursed EPC for \$7,500.00 of such costs. A copy of a check of Mena SS to EPC, Inc. dated

August 27, 2022, in the amount of \$7,500.00 is attached to this Request as **Exhibit No. 2.**

14. On or about July 8, 2022, EPC, on behalf of Mena SS, submitted to DEQ an Application for reimbursement from the Trust Fund of the costs of remediation incurred by it to the date of the Application. A copy of the Application for Reimbursement is attached hereto as **Exhibit No. 3.**

15. On February 21, 2023, DEQ issued a letter to Ms. Sara Bhandari, owner of Mena SS, acknowledging receipt of the application by EPC on behalf of Mena SS, but stating that “Without documented proof of payment for each invoice included in this application, we are unable to complete the review of this application.” DEQ further requested that Mena SS and EPC, provide cancelled checks or receipts from vendors showing proof of payment of their invoices. A copy of DEQ’s letter of February 23, 2023 to Ms. Bhandari is attached hereto as **Exhibit No. 4.**

16. On March 24, 2023, the undersigned counsel for Mena SS wrote a letter to Ms. Jacqueline Trotta, the UST Trust Fund Administrator for DEQ, requesting that Ms. Trotta reconsider the position taken in her letter of February 23, 2023. The letter of March 24 provided factual and legal arguments challenging the validity of such position. A copy of the letter of Richard Mays Law Firm PLLC dated March 24, 2023 is attached hereto as **Exhibit No. 5.**

17. On May 31, 2023, Ms. Trotta, in her capacity as the UST Trust Fund Administrator for DEQ, responded to Mena SS's counsel's letter of March 24 by issuing a letter of said date addressed Ms. Sara Bhandari, owner of Mena SS, in which Ms. Trotta repeated her earlier position on the issue, and again requested copies of canceled checks (front and back) or business receipts from vendors for whom a check was not the form of payment for the expenses incurred. A copy of the letter from Ms. Trotta to Ms. Bhandari dated May 31, 2023 is attached hereto as **Exhibit No. 6.**

18. Also, on May 31, 2023, Ms. Lisa Thompson, Senior Attorney for DEQ, responded to Mena SS's counsel's letter of March 24 by issuing a letter of said date addressed to said counsel, in which Ms. Thompson confirmed DEQ's position on the issue, citing Commission Rule 12.308(C)(5) and (6), and requested the Mena SS provide the documentation requested by Ms. Trotta from Ms. Bhandari. A copy of Ms. Thompson's letter dated May 31, 2023 is attached hereto as **Exhibit No. 7.**

LEGAL AND FACTUAL ISSUES

Standing

19. Mena SS has standing to bring this Request For Hearing pursuant to Ark. Code Ann. §8-7-905(i)(1), which provides:

An owner or operator who considers himself or herself injured in his or her business, person, or property by a final decision of the director or the director's delegate under this subchapter may appeal the decision to the Arkansas Pollution Control and Ecology Commission within thirty (30) days after the date of the final decision of the director or the director's delegatee.

20. Further, Commission Regulation 8.601(H), after identifying parties to other types of adjudicatory proceedings initiated pursuant to Regulation 8, also includes as possible parties to adjudicatory proceedings the following:

(H) In any other matter in which the Commission approves review of a Director's decision, any person who files a Request for Hearing and the Commission determines him or her to be injured in his or her person, business or property.

21. Mena SS has been injured in its business or property by the UST Trust Fund Administrator's final determination of May 31, 2023, that DEQ will not consider reimbursement of response and remediation costs expended by Mena SS (or its consultant) without documented proof of full payment for each invoice included in its application for reimbursement. To require Mena SS to fully pay all costs of remediation prior to reimbursement from the UST Trust Fund would place great stress upon the financial resources of Mena SS, and possibly require closure of all or part of the business.

22. In addition, Commission Regulation 8.622 provides:

Any ... person subject to regulation by the Commission or the Department may petition the Commission for a Declaratory Order as to the applicability of any rule, statute, permit, or order enforced by

the Commission or the Department. The petition shall be processed in the same manner as a Request for Hearing.

23. Mena SS is a “person subject to regulation by the statutes and regulations administered by the Commission and the Department” as further elaborated upon herein.

24. Mena SS has standing to maintain this Request for Hearing and for a Declaratory Order.

***The Department Exceeded Its Legal Authority By
Requiring Proof of Payment of Remediation Costs
As A Condition of Receiving Reimbursement from the Trust Fund***

25. The requirement imposed upon Mena SS by the UST Trust Fund Administrator that payment in full to vendors of remediation costs as a condition precedent to filing an application for reimbursement from the UST Trust Fund after the owner/operator pays the initial \$7,500.00 in remediation costs is contrary to statutory authority, is not otherwise legally justifiable, nor is it practical in application.

***The Controlling Arkansas Statute
Specifically Does Not Require Payment in Full
of Remediation Costs Prior to Reimbursement From the Fund***

26. Ark. Code Ann. §8-7-907 states in relevant part:

- (a) (1) No payment for corrective action shall be paid from the Petroleum Storage Tank Trust Fund until the owner or operator has expended seven thousand five hundred dollars (\$7,500) on corrective action for the occurrence, *It is the intent of the General Assembly that this initial level of expenditure be considered the equivalent of an insurance policy deductible.* (Italics added)
- (2) Owners or operators of underground storage tanks must demonstrate financial responsibility for the seven-thousand-five-hundred-dollar deductible for corrective actions.
...
- (b) All payments for corrective action expenses of the owner or operator shall be made only following proof that:
 - (1) (A) At the time of discovery of the release the owner or operator had paid all fees required under state law or rules applicable to petroleum storage tanks.
 - (B) n/a
 - (2) The corrective action expenses submitted for reimbursement consist of items and amounts that are in accord and compliant with Division of Environmental Quality rules; and
 - (3) The owner or operator cooperated fully with the division in corrective action to address the release.

27. Ark. Code Ann. §8-7-907 contains no requirement that the owner/operator submit evidence that the corrective action expenses submitted for reimbursement have been paid in full prior to the submission of the claim for reimbursement. To the contrary, Subsection (a)(1) clearly states that payment by the owner/operator of the facility of the initial cost of \$7,500.00 is to be considered a “deductible,”

following payment of which the UST Trust Fund provides payment of the remaining costs up to the limitation contained in Ark. Code Ann. §8-7-907(b) of \$1.5 million per occurrence.

28. In addition to ACA §8-7-907, Commission Rule 12.303 provides:

- (A) For an owner or operator to obtain any coverage by the trust fund for corrective action necessary to address an accidental release, all of the following requirements must be met:
 - (1) At the time of the discovery of the release, the owner or operator must have met each of the requirements for trust fund eligibility as set forth in Rule 12.302(D);
 - (2) The release must have occurred after February 22, 1989;
 - (3) The Division must have been given timely notice of the release as required by Rule 12.305;
 - (4) The owner or operator must cooperate fully with the Division in conducting corrective action to address the release; and
 - (5) The owner or operator must have expended seven thousand five hundred dollars (\$7,500) in reasonable, allowable, and necessary corrective action costs for the occurrence.

29. All of the conditions contained in Commission Rule 12.303 have been met by Mena SS. The only reason provided by DEQ for its refusal to consider the claim for reimbursement was that the costs claimed had not been paid in full. See Exhibits 4, 6 and 7.

30. Furthermore, Rule 12.306 (Amount of Reimbursement) provides:

- (A) The trust fund will provide reimbursement to eligible owners or operators of storage tanks for corrective action costs required to

address accidental releases in an amount not to exceed one million four hundred ninety-two thousand five hundred dollars (\$1,492,500) per occurrence.

- (B) *The owner or operator shall be responsible for the first seven thousand five hundred dollars (\$7,500) of corrective action costs per occurrence.*

31. Finally, Rule 12.307 (Deductible) states:

- (A) The first seven thousand five hundred dollars (\$7,500) of corrective action costs incurred by the owner or operator *shall be considered a deductible* and is not eligible for reimbursement from the trust fund. (Italics added)
- (B) (1) A reimbursement for corrective action costs shall not be made from the trust fund *until the deductible for the occurrence has been expended by the owner or operator.* (Italics added)
- (2) An owner or operator may not submit an application for reimbursement for corrective action costs until he or she *has expended the deductible.* (Italics added)
- (3) *Proof of payment of the deductible must be provided to the Division prior to approval of reimbursement for any corrective action costs.* (Italics and underlining added)
- (4) *For purposes of meeting the deductible, proof of payment shall consist of a receipt, a copy of a money order, or a canceled check. . . .* (Italics added)

32. The term “deductible” is generally related to insurance policies. In that context, a “deductible” is defined as the out-of-pocket amount a person or other entity is required to pay toward a covered claim. It is “the amount of financial loss

specified in an insurance policy that the insurer will not be held responsible for and that the insurance holder must pay.” *Merriam-Webster.com Dictionary*.

33. It has been established in previous proceedings before DEQ to date that Mena SS is eligible for coverage under the UST Trust Fund, and the conditions for reimbursement to Mena SS have been met.

34. The Commission regulations cited above are equally clear that the Trust Fund is analogous to an insurance policy, with the owner/operator to be responsible for payment of the initial \$7500 as a “deductible.” Rule 12.306(B) provides that “The owner or operator shall be responsible for the first seven thousand five hundred dollars (\$7,500) of corrective action costs per occurrence.”

35. This analogy is continued in Rule 12.307, which, in Subsection (A), again refers to the first \$7,500.00 of remediation costs as a “deductible.” Subsection (B)(3) of Rule 12.307 also states that there will be no reimbursement for corrective action costs until the “deductible” has been expended by the owner/operator; and that proof of payment of the “deductible” must be provided to DEQ *prior to approval of any reimbursement of remedial costs*. Proof of payment is made by providing a copy of a cancelled check of the amount of \$7,500.00 or more. (Rule 12.307(B)(4).

36. However, Rule 12.308, relied upon by DEQ, states in relevant part:

- (A) To apply for reimbursement of corrective action costs, an owner or operator must meet the requirements for coverage set forth in

Rule 12.303 and meet the requirements of this Chapter for reimbursement applications.

- (B) An application shall not contain a request for reimbursement, nor shall reimbursement be made, in advance of the reimbursable services being rendered or reimbursable costs being incurred.

- (C) Any applications for reimbursement of corrective action costs must be submitted on forms provided by the Division and shall include an accounting of all charges itemized by labor hours and rates, analytical charges, equipment charges and other categories that may be identified by the Division. The application also shall contain the following:

...

(5) *Evidence that the amounts shown on the invoices for which reimbursement is requested have been paid in full by the applicant.* [Italics added] The evidence must be accompanied by a copy of any of the following:
 - (a) Business receipts, indicating all payments received;
 - (b) Canceled checks (front and back);
 - (c) The certification of a certified public accountant that the costs for which reimbursement is requested have been paid in full; or
 - (d) An affidavit signed by the person who performed the corrective action, affirming what amounts the applicant represents as being paid to that person have been paid in full; and

- (6) Any other information that the Division may reasonably require.

37. Rule 12.308(C)(5) is in direct conflict with Ark. Code Ann. §8-7-907 and Rule 12.303, which expressly provide only that the \$7,500 deductible be paid and the remediation costs be “incurred.” It is also contrary to the statutory scheme of using the procedure customarily employed in claims made by persons or entities covered by insurance policies, where, after the deductible is satisfied, the insured submits bills for repair or replacement costs (whether paid or not), and the insurance company is obligated to pay the costs.

38. Even Rule 12.308(B) follows that “insurance analogy” by providing that reimbursement shall not be made in advance of the reimbursable services being rendered or reimbursable costs being incurred. “Incurred” means “to contract for or accept responsibility for”, but it is not synonymous with “paid.” However, 12.308(C)(5) is in conflict with that analogy by requiring the “insured” (i.e., the owner/operator) to pay all costs of remediation before being reimbursed from the Fund.

39. It is consistent with ACA §8-7-907 and Rules 12.306 and 12.307, to “incur” the remediation costs before submitting a claim for reimbursement, but it is not consistent with that statute or those regulations, nor it is “workable” in practice, to require that the owner/operator first pay the costs as a condition of submitting a claim to the Fund.

40. Looking at the guidelines issued by DEQ for the administration of the UST Trust Fund reimbursement program (“Arkansas Petroleum Storage Tank Trust Fund: Guidelines for Reimbursement of Corrective Action Costs”) (“the Guidelines”), Section 2.2 of those Guidelines states, in relevant part, that the requirements for trust fund coverage of a release are:

2.2 TRUST FUND COVERAGE REQUIREMENTS The requirements for trust fund coverage of a release are:

- a. At the time of discovery of the release, the tank owner or operator must have met all the requirements for trust fund eligibility found in Reg.12.302(D) and Subsection 2.1 above
- b. The release must have occurred after February 22, 1989
- c. The release must have been reported to ADEQ within twenty-four (24) hours of its discovery
- d. The tank owner or operator must cooperate fully with ADEQ in conducting corrective action to address the release
- e. *The tank owner or operator must have expended seven thousand five hundred dollars (\$7,500) in reasonable, allowable and necessary costs for the release. (Italics provided)*

41. Section 2.4 of the Guidance further elaborates on the payment of a deductible:

2.4 TRUST FUND DEDUCTIBLES The first seven thousand five hundred dollars (\$7,500) of reasonable, allowable and necessary corrective action costs incurred by a tank owner or operator for an occurrence is considered a deductible.

The first seven thousand five hundred dollars (\$7,500) of costs incurred by a tank owner or operator for third-party claims for an occurrence is considered a deductible.

Trust fund deductibles are not reimbursable.

42. As a practical matter, the requirement that owners and operators pay the remediation costs prior to claiming reimbursement from the Fund is beyond the capability of many of the independent owners/operators of gasoline stations in the State. That requirement would force many of such owners/operators to close or into bankruptcy, leaving only the major retail petroleum retail marketers who have the resources to bear such costs before making a claim for reimbursement. This discriminates against the independent owners/operators in favor of large, national companies who can bear costs of remediation without dependence on the UST Trust Fund.

43. Rule 12.308(C)(5) is discriminatory against small, independent owners and operators and in favor of large national owners/operators, and is a violation of the Equal Protection provisions of the United States and Arkansas Constitutions, as well as federal laws regulating interstate commerce.

***Requests For Adjudicatory Relief
And Declaratory Order***

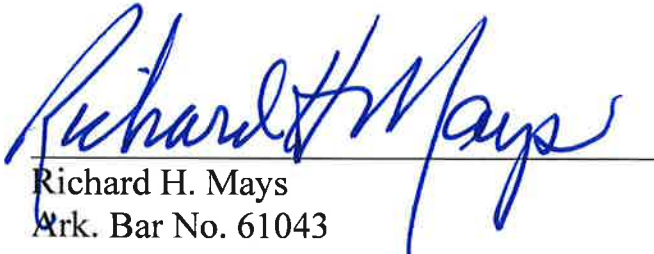
Mena SS hereby requests that the Commission determine and declare the following:

- (1) That the requirement of Rule 12.308(C)(5), requiring that the UST owner/operator's remediation costs must be paid in full before submitting claims for reimbursement to the Fund, is void and of no further effect;
- (2) That Rule 12.308(C)(5) is discriminatory against small, independent owners and operators and in favor of large national owners/operators, and is a violation of the Equal Protection provisions of the United States and Arkansas Constitutions, as well as federal laws regulating interstate commerce.
- (3) That DEQ be ordered to review, approve and pay the Reimbursement Application No. 1 submitted by Mena SS's consultant, EPC; and henceforth allow claims for reimbursement, supported by invoices from vendors for remediation work, but without proof of payment of those invoices.

A copy of this Request for Hearing has been served on all appropriate parties identified in Regulation 8.603(C)(1)(a)-(e).

Respectfully submitted,

RICHARD MAYS LAW FIRM PLLC



Richard H. Mays
Ark. Bar No. 61043

2226 Cottdale Lane – Suite 210
Little Rock, AR 72202
Tel: 501-891-6116
Email: rmays@richmayslaw.com
njackson@richmayslaw.com

EXHIBIT 1

PROJECT SUMMARY

Mena Short Stop

420 Highway 71 South, Mena, Arkansas 71953

Facility ID # 57000053 - LUST Case # 57-0032 - AFIN # 57-00350

April 20, 2022 through June 15, 2022

Activities conducted during the above referenced dates are for:

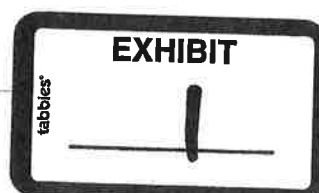
- Project Management
- Initial Response to a Release Report (IRR)
- Emergency Response
 - Vapor Monitoring and Abatement
 - Mobile Dual Phase Extraction Events (8 hr & 48 hr)
 - Targeted Excavation
- Interim Remediation Work Plan
- Emergency Order work Plan
- Reimbursement Application - 001

Facility Location and Description

(Taken in part from the May 17, 2022 Preliminary Assessment Report)

The Mena Short Stop is located at 420 Hwy 71 South in Mena, Arkansas at the corner of Mena Street and Hwy 71 South in the middle of the historic downtown area. The facility is a convenience store and fueling station. The convenience store structure is slab-on grade. The three fuel tanks are located on the southwestern side of the building with four dispensers being located in front of the store. The dispensers operate using a pressure system.

The Sanborn Fire Insurance Map of 1945 indicates this property was a general store and hardware store; however a fueling station was located approximately 60 feet northeast of the facility where Goss Electronics currently sits. Further research failed to find whether the fueling tanks were ever removed. An interview with a neighboring businessman said this is the first time a fueling station had occupied this location.



Release History - LUST Case# 57-0032 Development

(Taken in part from the May 17, 2022 Preliminary Assessment Report)

April 20, 2022:

RST inspector was contacted by the Polk County ADEM about petroleum odors in the Corner Shoppe and Pony Express Printing (from here referred to only as The Corner Shoppe), approximately 200 feet south of the Mena Short Stop fueling station and convenience store. Lonny Goodwin Company, equipment contractor, confirmed a fuel release on behalf of the responsible party (RP), Mena Short Stop LLC. Mr. Goodwin contacted the RST inspector (Jeff Tyler) and reported sudden loss alarm on the Veeder-Root auto monitoring system and 6 inches of free product gasoline in the tank pit monitoring well MW-2. The unleaded gasoline fuel tank was removed from service.

April 21, 2022:

The RST inspector conducted a follow-up inspection of the Mena Short Stop. Repairs were made to the pump and the unleaded tank put back in service. The RP hired Environmental Pollution Consultants, Inc. (EPC) to assist in remediation activities. EPC spoke to Ms. Kathy Burks, owner of the Corner Shoppe & Pony Express Printing and Mr. Steve Egger, Mena Fire Chief about vapors being reported in the building. Building was aired out by opening front & back doors. Fire chief stated that no recordable explosive vapor levels were detected on a Lower Explosive Level (LEL) meter. Vapors within the Corner Shoppe were reportedly ~ 33 ppm.

EPC did not notice any odors upon entering at ~ 2.00pm. Observed and entered the crawl space beneath the print shop. Noticeable odor. Blobs of weathered product were observed on one (1) of two (2) pools of water within the crawl space. Pictures were taken and absorbent pads were placed on observed product.

April 22, 2022:

The LUST case was referred to RST Inspector Supervisor Randy Beard.

April 25, 2022:

The LUST case was referred to the RST Assessment and Remediation staff for further review.

April 28, 2022:

The LUST case was assigned to Camille Gemhart (ADEE). Ms. Kathy Burks (The Corner Shoppe) called EPC and stated that strong odors were noticed within the building. Heavy rain were reported on April 25, 2022. Upon entering The Corner Shoppe a strong smell was noticed. (Smelled like Toluene). The doors were opened to ventilate the building. EPC installed negative pressure venting fans on a foundation vent at the back of the building to immediately remove vapors from the crawl space and the building. PID readings were collected within and around the building with a MiniRAE 3000 PID at the end of the day. Vapors within the Corner Shoppe were ~ 5 ppm. Spoke with ADEE about vapors in the building and the possibility of enacting Emergency Response Activities.

April 29, 2022:

Called print shop to inquire about odors. The owner said the odor was significantly less.

April 30, 2022 - Saturday: - Emergency Response Request

Conference call from ADEE (David Frazier & Camille Gernhart) requesting to initiate emergency response (ER) actions as soon as possible under the authorities of 40 CFR Part 280 and Arkansas Regulation #12.

Contacted Waste Water Specialties & NewGen Resources to schedule an emergency mobile dual phase extraction (MDPE) event as soon as possible. An eight (8) hour MDPE was scheduled for Sunday, May 1, 2022. After scheduling, EPC received an email from ADEE (David Frazier) requesting, at a minimum, the performance of a minimum of 48-hour continuous mobile dual-phase extraction (MDPE) event on existing monitoring wells at the facility. Spoke with ADEE about 8hr MDPE and determined MDPE event would be beneficial.

May 1, 2022:

An (8hr) Mobile Dual Phased Extraction (MDPE) event was conducted on the UST Tank Basin. Free product was detected in tank basin observation wells (OW). No vapor reading collected within The Corner Shop as it was closed.

(748.9597 VEG (vapor equivalent gallons) of product & 1,900 gallons of water recovered.)

May 3, 2022 - Tuesday - (48hr) MDPE

An (48hr) MDPE event was conducted on the UST Tank Basin. Free product was detected in tank basin observation wells (OW). Met with ADEE - Camille Gernhart and Josh Stevens on-site. Discussed MDPE event and vapors within The Corner Shoppe and the possible need for filters or scrubbers to eliminate indoor odors. Vapors within the Corner Shoppe were ~ 13 ppm. Closed all foundation vents.

(282.5319 VEG (vapor equivalent gallons) of product & 8,920 gallons of water recovered.)

May 7, 2022:

Observation well gauging to see if product had recharged. None detected. Collected vapor reading at The Corner Shoppe. Vapors within the Corner Shoppe were ~ 9 ppm.

May 9, 2022 - Monday

Called print shop to inquire about odors. The owner said the odors were less noticeable.

May 10, 2022 - Tuesday

Called print shop to inquire about odors. The owner said the odors were less noticeable and almost back to normal. May 10, 2022. DEQ received an update report on the Emergency Response actions and results.

May 11, 2022:

Contacted excavator for scheduling. Conducted Arkansas One call 48hr response. Additional Emergency Response activities were requested by ADEE to address abatement/mitigation of vapors within the building of the Corner Shoppe.

May 14, 2022:

Targeted excavation of soil around the water meter behind the Corner Shoppe. Two areas were excavated over and around the water line. Several water lines were observed parallel & perpendicular the building. The first excavation (S-1) was just north of the water meter. Significant soil contamination was observed beginning at ~ 2' to a depth of ~ 4' bgs. At 4' significant cobblestones were encountered. Groundwater with free product was observed entering the excavation. Due to the amount of free product observed (~1.2") excavation was stopped due potential fire hazard. Approximately, 5 gals of product were pumped from the excavation into a 55 gallon drum. Excavation dimensions 3 x 8 x 5.

The second area of excavation (S-2) was south of water meter up to the building foundation and the stair platform. Again significant soil contamination was encountered beginning at ~ 2'. The excavation was advanced to a depth of ~6' bgs. Free product was observed dripping from the excavator bucket. Groundwater with free product was observed entering the excavation at ~ 4' bgs from all four sides of the excavation. Including from beneath the Print Shop building. Excavation dimensions 4.5 x 8 x 6.

Soil samples were collected from both excavated areas and analyzed for BTEX, MTBE, Naphthalene, TPH, GRO/DRO, total lead & a TCLP for benzene and lead.

Water was not observed within the crawl space. Groundwater was observed at ~4' bgs (excavations). The soil floor of the crawl space is ~ 3'bgs.

Vapor readings within all areas of the Print Shop were ~ 3 ppm. Crawl space 18.4 ppm. Vent fan 27.1 ppm.

After the observations made today, it appears that free product is most likely entering the crawl space due to high groundwater levels and not necessarily exclusively through the utility trenches.

Attempted to contact ADEE to discuss modification to the targeted excavation activities and free product removal.

May 15, 2022:

Attempted to contacted ADEE to discuss alternative options for Free Product removal. Contacted Waste Water Specialties (WWS) to remove water/product from the two excavations. Based on dimension of the two excavations and ½ inch of product & the five gallons removed on 5/14/22, a total of 27.5 gallons of product and 47.5 gallons of water (totaling 75 gallons) were removed by Waste Water Specialties.

Once the water/product had been removed, the excavations were backfilled with clean soil due to expected heavy rain.

The tank pit observation wells were also gauged, 0.01' fo product was detected in OW-2. Product was not detected in any other observation well.

May 16, 2022:

Delivered soil samples to the analytical laboratory. RST staff requested services from its on-call contractor AECOM Technical Services, citing the inadequacy of EPC's efforts to abate acute vapor intrusion into an offsite property located at 822 Mena Street. The requested actions of AECOM were limited to the elimination of acute vapors into the commercial structure. EPC submitted the additional emergency response proposal work plan to ADEE.

May 18, 2022:

The tank pit observation wells were gauged, 0.02' of product was detected in OW-2. Product was not detected in any other observation well.

Vapor reading at The Corner Shoppe 0.5 ppm.

May 19, 2022:

Received a Preliminary Assessment report and a request by ADEE to prepare an Interim Remediation Work Plan & Cost Estimate.

June 2, 2022:

The Interim Remediation Work Plan & Cost Estimate was submitted to ADEE.
The vapor extraction system installed by AECOM became operational.

June 8, 2022:

Responded to Complaint received by ADEQ of oily sheen during rain. Met with ADEE Inspector Jeff Tyler.
Submitted Complaint Response Report. Oily sheen appeared to be from oil drip stains in parking lot.

June 14, 2022:

Received Emergency Order from ADEE requesting a UST Removal Work Plan by June 15, 2022.

June 15, 2022:

The UST Removal Work Plan was submitted. On-site for UST removal. Received forwarded e-mail at 12:51 pm that ADEE's on-call contractor will conduct closure activities.
Trust Fund Eligibility was rescinded via e-mail at 3:12pm.

PROJECT SUMMARY

Mena Short Stop

Facility ID # 57000053 - LUST Case # 57-0032 - AFIN # 57-00350

EMERGENCY RESPONSE FINDINGS

MDPE Events

Water levels within the UST tank basin were approximately 4 foot bgs.

An (8hr) Mobile Dual Phased Extraction (MDPE) event was conducted on the UST Tank Basin. Free product was detected in all tank basin observation wells (OW).

A total of 748.9597 VEG (vapor equivalent gallons) of product & 1,900 gallons of water recovered.

A 48 hr Mobile Dual Phase Extraction (MDPE) event was conducted on the UST Tank Basin.

Free product was detected at three (3) of the four (4) tank pit observation wells. TP OW-2, 3 & 4

A total of 282.5289 VEG (vapor equivalent gallons) of product and 8,980 gallons of water were recovered.

Free Product

8 hr pre-MDPE - Free product was detected at all four (4) tank pit observation wells.

48 hr pre-MDPE - Free product was detected at three (3) of the four (4) tank pit observation wells.

48 hr post-MDPE - The tank pit observation wells were gauged four (4) times after the completion of the 48 hr MDPE event. Free product was only detected in OW-2 on May 15, 2022 (0.01') and on May 18, 2022 (0.02').

Free product was not detected during the first May 7, 2022 and last June 8, 2022, gauging events.

Waste Management

Approximately, 1,900 gallons of liquid waste were generated during the 8 hr MDPE event.

Approximately, 8,980 gallons of liquid waste were generated during the 48 hr MDPE event.

TARGETED EXCAVATION

Two areas were excavated over and around the water line behind The Corner Shoppe. No distinct line trenches were observed. The first excavation (S-1) was just north of the water meter. Significant soil contamination was observed beginning at ~ 2' to a depth of ~ 4' bgs. At 4' significant cobblestones were encountered. Groundwater with free product was observed entering the excavation. Due to the amount of free product observed (~1.2") excavation was stopped due potential fire hazard. Approximately, 5 gals of product were pumped from the excavation into a 55 gallon drum. Excavation dimensions 3 x 8 x 5.

The second area of excavation (S-2) was south of water meter up to the building foundation and the stair platform. Again significant soil contamination was encountered beginning at ~ 2'. The excavation was advanced to a depth of ~6' bgs. Free product was observed dripping from the excavator bucket. Groundwater with free product was observed entering the excavation at ~ 4' bgs from all four sides of the excavation. Including from beneath the Print Shop building. Excavation dimensions 4.5 x 8 x 6.

One soil sample was collected from both excavated areas and analyzed for BTEX, MTBE, Naphthalene, TPH, GRO/DRO, total lead & TCLP for benzene and lead. High levels of contaminant constituents were detected. Soil Sample S-2 - Total Lead was detected at 13 ppm.

Water was not observed within the crawl space. Groundwater was observed at ~4' bgs (excavations). The soil floor of the crawl space is ~ 3'bgs.

Free product is most likely entering the crawl space due to high groundwater levels and not necessarily exclusively through the utility trenches.

Contacted Waste Water Specialties (WWS) to remove water/product from the two excavations. Based on dimension of the two excavations and ½ inch of product & the five gallons removed on 5/14/22, a total of 27.5 gallons of product and 47.5 gallons of water (totaling 75 gallons) were removed by Waste Water Specialties

Once the water/product had been removed, the excavations were backfilled with clean soil due to expected heavy rain. The tank pit observation wells were also gauged, 0.01' of product was detected in OW-2. Product was not detected in any other observation well.

Waste Management

Approximately, 20 cubic yards were excavated and are staged off-site and waiting for landfill approval for disposal. The soil is on and covered by plastic.

VAPOR ABATEMENT & MITIGATION

Vapor readings were collected within several areas of the Corner Shoppe building from April 21, 2022 to May 18, 2022. The highest indoor readings were collected from the crawl space of the Corner Shoppe building on Wednesday May 4, 2022 was 63.6 ppm after a heavy rain. The crawl space vent fan exhaust read 70.2 ppm. The store was at 26 ppm.

On April 28, 2022 - As a temporary measure negative pressure venting fans on a foundation vent at the back of the building to immediately remove vapors from the crawl space and the building.

On May 3, 2022 - Closed off all foundation vents to reduce air cross flow in crawl space. Researched air scrubbers.

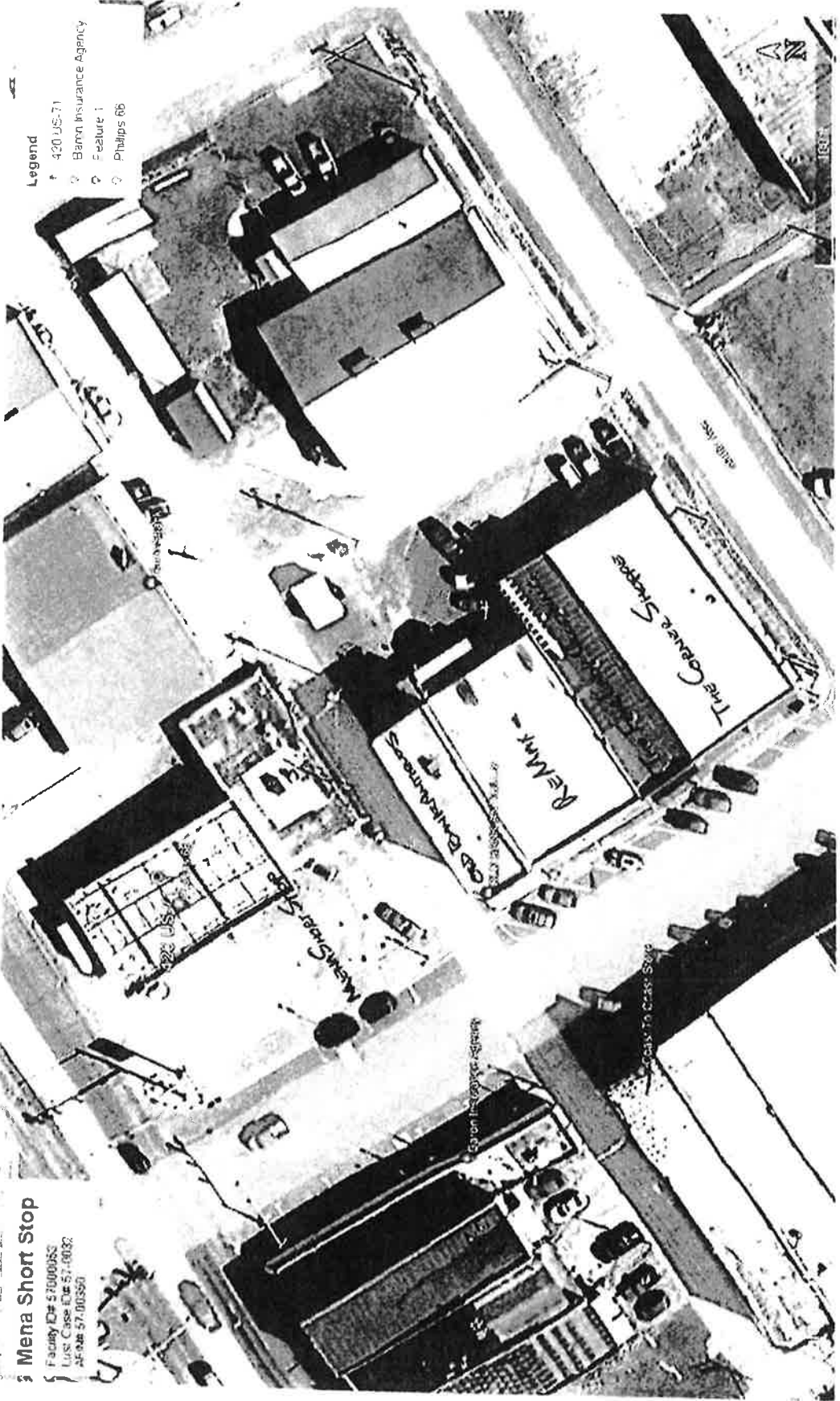
On May 4, 2022 - Installed new carbon impregnated air filters on AC return air intake.

On May 7, 2022 - Installed carbon purification pads on impregnated air filters on AC return air intake.

The vapor concentration trend in the store is down from a high of 33 ppm (4/21/22) to a low of 0.5 ppm (5/18/22). All other vapor concentration sampling locations indicate the same trend. Continued monitoring.

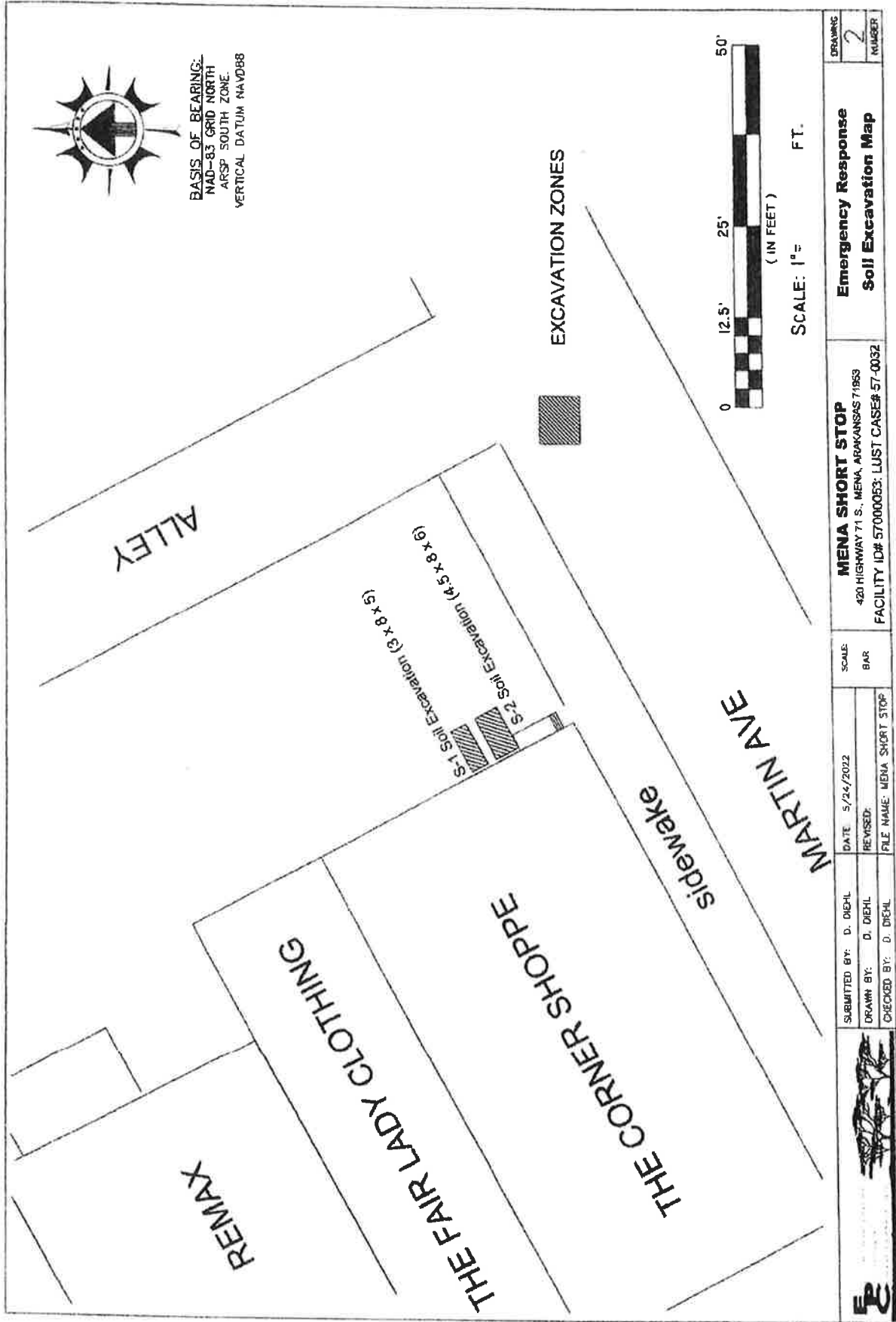
Mena Short Stop
Facility ID# 57000553
List Case E# 57-0032
AF # 57-003501

Legend
420 US-71
Barron Insurance Agency
Feature 1
Philips 66





BASIS OF BEARING:
 NAD-83 GRID NORTH
 ARSP SOUTH ZONE
 VERTICAL DATUM NAVD88



DRAWING NUMBER
 2

Emergency Response
 Soil Excavation Map

MENA SHORT STOP
 420 HIGHWAY 71 S. MENA, ARKANSAS 71859
 FACILITY ID# 57000053; LJUST CASE# 57-0032

SCALE: BAR

DATE: 5/24/2022
 REVISIONS:
 FILE NAME: MENA SHORT STOP

SUBMITTED BY: D. DIEHL
 DRAWN BY: D. DIEHL
 CHECKED BY: D. DIEHL



Environmental Protection Services, Inc.
 1000 N. Highway 71, Suite 100, Mena, AR 71859
 Phone: (501) 925-1111
 Fax: (501) 925-1112
 www.epsservices.com

Vapor Abatement/Mitigation
 The Corner Shoppe & Pony Express Pringing
 822 Mena Avenue, Mena, Arkansas

Vapor Readings (ppm)

Location	Thursday, April 21, 2022	Thursday, April 28, 2022	Sunday, May 1, 2022	Tuesday, May 3, 2022	Wednesday, May 4, 2022	Thursday, May 5, 2022	Saturday, May 7, 2022	Saturday, May 14, 2022	Sunday, May 15, 2022	Wednesday, May 18, 2022
Outside Front Door	33	5		13.2	26	0.0	0.0	0.1	0.0	0.1
Store		7.2		9	6.4	8	8.9	2.7		0.5
Back Storeroom		24.7		54.7	63.6	3.1	3.6	2.6		
Crawl Space			23.9	47.7	70.2	51	32.4	18.4		
Venting Fan					32.5	60.8	27.8	27.1	31.7	18.7
Closed Mens Restroom					81.5	13.2	20.7	3		
Closed Mens Restroom, N.Wall					6.4	64.5	30.2	3.1		
Second Store Room						15		3.1		
Womens Restroom						8.7				
N foundation Vent		10.1	12.3							
S foundation Vent		10.2	13.7							
Water meter cover (plastic)		45.7	1.3							
Water meter cover (metal)		248.6	8.9							

- * Store had been aired out
- ** Store had been aired out - Negative pressure foundation Vent Fan installed.
- *** Store Closed
- **** Closed all Foundation Vents.
- ***** Placed Carbon Impregnated Air Filters on AC Return
- ***** Placed Carbon Purification Pads on Impregnated Air Filters on AC Return.

Vapor Abatement/Mitigation
 The Corner Shoppe & Pony Express Printing
 822 Merit Avenue, Mena, Arkansas

Vapor Readings (ppm)

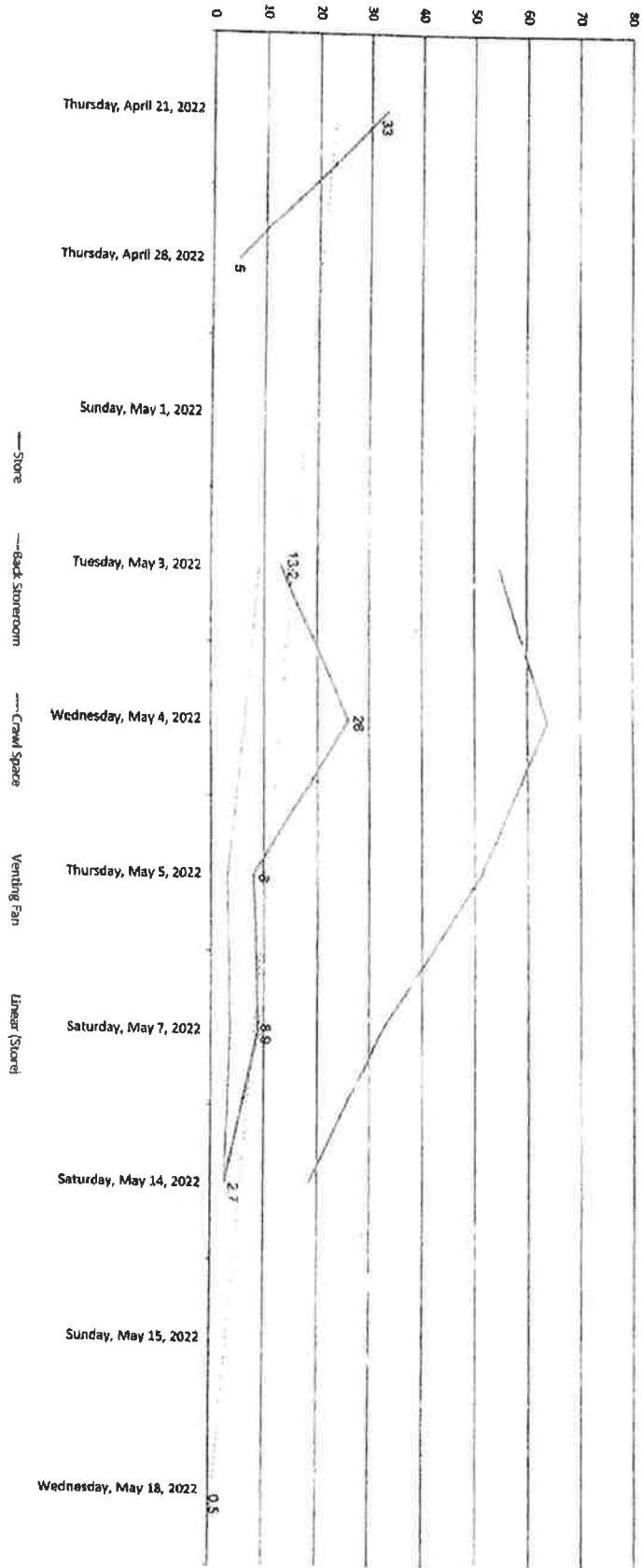


EXHIBIT 2

Mena Short Stop
 24179 Palmilla Dr
 Wister, OK 74966-2819
 817-682-3336

1671
81-700/220


05/27 2022

PAY TO THE ORDER OF EPC Inc \$ 7500.00

Seven Thousand Five Hundred and 00/100 DOLLARS

Chambers Bank
 300 US-71
 Mena, AR 71953

FOR *1155001



⑆08 290 7008⑆ 7015000446⑆ 1671

20220829449753403736 11 1113

Regions Bank >062000019<

20220829449753403736 11 1113

Regions Bank >062000019<

Deposit Only
 05/27/22

EXHIBIT
2

tabbles

EXHIBIT 3

APPLICATION FOR REIMBURSEMENT
from the
PETROLEUM STORAGE TANK TRUST FUND

(1) ADEQ Facility Identification Number: 57000053

(2) Responsible Party Information:

Company Name Mena Short Stop, LLC.

Contact Person Saraswati Bhandari

Address 24179 Dalmilla Drive

City and State Wister, Oklahoma

Zip Code 74966

Phone 817-682-3336

(3) Release Location

Facility Name Mena Short Stop

Address 420 Highway 71 S.

City and State Mena, Arkansas 71953

(4) Type of Tank (check only one):

Aboveground

Underground

(5) Type of Product Released:

Gasoline

Kerosene

Jet Fuel

Diesel

Heating Oil

Avlation Gas

Used Motor Oil

Other (list) _____

Date of Release 4/20/2022

Release (LUST) Number 57-0032



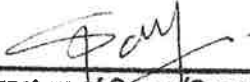
CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information is, to the best of my knowledge and belief, true, accurate, and complete. I also certify that the amounts claimed for reimbursement under this application have been paid in full. I further certify that I have the authority to submit this application on behalf of

Mena Short Stop, LLC.

Saraswati Bhandari

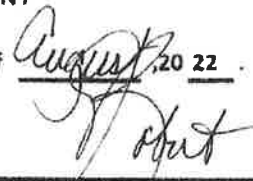
Type/Print name of Owner/Operator or Responsible Party



Signature of Owner/Operator or Responsible Party

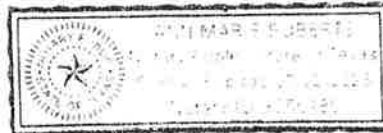
ACKNOWLEDGEMENT

Sworn to and subscribed before me this 26th day of August, 2022.



Notary Public

My Commission Expires: 03/02/2025



PROOF OF PAYMENT AFFIDAVIT

I, David Diehl being of sound mind, am responsible to ensure this application is completed per regulatory requirements. I have personal knowledge of the contents of this document; all of which are true and correct to the best of my knowledge. Furthermore, as President of EPC, Inc., I certify that, as of this date, EPC, Inc. has been paid in full by Mena Short Stop, LLC for the invoices contained in this reimbursement request:

Invoice Number	Invoice Date	Invoice Amount
MSS-001	5/26/2022	\$69,829.50
MSS-002	5/27/2022	\$25,291.76
Total		\$95,121.26

Signed this _____ day of _____, 2022

 David Diehl / President

ACKNOWLEDGEMENT

Sworn to and subscribed before me this _____ day of _____, 20_____.

 Notary Public

My Commission Expires: _____

Interim Request No.	1	Page	4	of	16
Consultant /Responsible Party: Environmental Pollution Consultants/Mena Short Stop, LLC					
Facility Identification # 57000053			Facility Name: Mena Short stop		
Dates costs incurred: From 04/20/22 to 06/15/22 Request date: 07/08/22					

DIRECT LABOR COST DETAIL

DATE	INVOICE #	EMPLOYEE NAME	WORK PLAN TASK	HOURS	RATE	AMOUNT
PRINCIPAL/MANAGERIAL:						
						\$0.00
04/21/22	MSS-001	David Diehl	case/site assess	7.50	\$54.00	\$405.00
04/28/22	MSS-001	David Diehl	ER req to ADEE	0.25	\$54.00	\$13.50
04/30/22	MSS-001	David Diehl	ER scoping mtg	3.25	\$54.00	\$175.50
05/02/22	MSS-001	David Diehl	PM - ER Cost Est	1.50	\$54.00	\$81.00
05/10/22	MSS-001	David Diehl	PM - ER Field Summary	4.00	\$54.00	\$216.00
05/12/22	MSS-001	David Diehl	VP abat/Rev. ER Cost	2.25	\$54.00	\$121.50
05/13/22	MSS-001	David Diehl	Rev. ER Cost	3.50	\$54.00	\$189.00
05/16/22	MSS-002	David Diehl	Disc w/ADEE	0.25	\$54.00	\$13.50
05/17/22	MSS-002	David Diehl	Disc w/ADEE/AECOM	1.00	\$54.00	\$54.00
05/20/22	MSS-002	David Diehl	Disc w/ADEE/IRWP	0.50	\$54.00	\$27.00
06/07/22	MSS-002	David Diehl	Assem IRWP to RP	0.50	\$54.00	\$27.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
ADDITIONAL PRINC/MGR COSTS (from the Extra Direct Labor Page):						
TOTAL PRINCIPAL/MANAGERIAL:				24.50		\$1,323.00

Interim Request No. 1 Page 5 of 16
 Consultant /Responsible Party: Environmental Pollution Consultants/Mena Short Stop, LLC
 Facility Identification # 57000053 Facility Name: Mena Short stop
 Dates costs incurred: From 04/20/22 to 06/15/22 Request date: 07/08/22

DIRECT LABOR COST DETAIL

DATE	INVOICE #	EMPLOYEE NAME	WORK PLAN TASK	HOURS	RATE	AMOUNT
PROFESSIONAL/TECHNICAL:						
04/28/22	MSS-001	David Diehl	Vap Abate Print shop	8.00	\$54.00	\$432.00
03/05/01	MSS-001	David Diehl	8 hr mobe MDPE	1.50	\$81.00	\$121.50
05/01/22	MSS-001	David Diehl	8 hr MDPE/abate	12.50	\$81.00	\$1,012.50
05/03/22	MSS-001	David Diehl	48 hr MDPE/abate	16.75	\$54.00	\$904.50
05/04/22	MSS-001	David Diehl	48 hr MDPE/abate	24.00	\$54.00	\$1,296.00
05/05/22	MSS-001	David Diehl	48 hr MDPE/abate	13.25	\$54.00	\$715.50
05/07/22	MSS-001	David Diehl	Gauge/abate shop	4.50	\$54.00	\$243.00
05/13/22	MSS-002	David Diehl	Target Excavate/mobe	2.00	\$54.00	\$108.00
05/14/22	MSS-002	David Diehl	Target Excavate	10.00	\$54.00	\$540.00
05/15/22	MSS-002	David Diehl	Target Excavate	10.00	\$54.00	\$540.00
05/16/22	MSS-002	David Diehl	del soil samples	2.50	\$54.00	\$135.00
05/18/22	MSS-002	David Diehl	FP check/ abate chk	4.50	\$54.00	\$243.00
05/25/22	MSS-002	David Diehl	IRWP	2.50	\$54.00	\$135.00
05/26/22	MSS-002	David Diehl	IRWP	5.50	\$54.00	\$297.00
05/31/22	MSS-002	David Diehl	IRWP	4.00	\$54.00	\$216.00
06/01/22	MSS-002	David Diehl	IRWP	4.00	\$54.00	\$216.00
06/02/22	MSS-002	David Diehl	IRWP	5.50	\$54.00	\$297.00
06/07/22	MSS-002	David Diehl	Emergency Report	1.50	\$54.00	\$81.00
06/08/22	MSS-002	David Diehl	Complaint Response	6.00	\$54.00	\$324.00
06/09/22	MSS-002	David Diehl	Complaint Report	2.00	\$54.00	\$108.00
06/09/22	MSS-002	David Diehl	Emergency Report	2.00	\$54.00	\$108.00
06/10/22	MSS-002	David Diehl	Emergency Report	4.50	\$54.00	\$243.00
06/11/22	MSS-002	David Diehl	Emergency Report	2.50	\$54.00	\$135.00
06/14/22	MSS-002	David Diehl	Emergency Order WP	13.00	\$54.00	\$702.00
06/15/22	MSS-002	David Diehl	EO UST WP	2.25	\$54.00	\$121.50
06/15/22	MSS-002	David Diehl	EO UST Removal	7.00	\$54.00	\$378.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
ADDITIONAL PROF/TECH COSTS (from the Extra Direct Labor Page):						
TOTAL PROFESSIONAL/TECHNICAL COSTS:				171.75		\$9,652.50

Interim Request No. 1 Page 6 of 16
 Consultant /Responsible Party: Environmental Pollution Consultants/Mena Short Stop, LLC
 Facility Identification # 57000053 Facility Name: Mena Short stop
 Dates costs incurred: From 04/20/22 to 06/15/22 Request date: 07/08/22

DIRECT LABOR COST DETAIL

DATE	INVOICE #	EMPLOYEE NAME	WORK PLAN TASK	HOURS	RATE	AMOUNT
SUPPORT:						
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00

ADDITIONAL SUPPORT COSTS (from the Extra Direct Labor Page):

TOTAL SUPPORT COSTS:	0.00	
-----------------------------	-------------	--

TOTAL DIRECT LABOR COSTS:	196.25	\$10,975.50
----------------------------------	---------------	--------------------

Interim Request No.	1	Page	7	of	16
Consultant /Responsible Party:		Environmental Pollution Consultants/Mena Short Stop, LLC			
Facility Identification #		57000053	Facility Name: Mena Short stop		
Dates costs incurred:		From	04/20/22	to	06/15/22
				Request date:	07/08/22

FIXED RATE COSTS DETAIL

DATE	INVOICE#	VENDOR AND WORK PLAN TASK	UNITS	RATE	AMOUNT
EQUIPMENT RENTAL					
					\$0.00
04/21/22	MSS-001	Oil/Water Interface Probe	1	\$50.00	\$50.00
04/28/22	MSS-001	PID - Mini Rae 3000	1	\$75.00	\$75.00
05/01/22	MSS-001	Oil/Water Interface Probe	1	\$50.00	\$50.00
05/01/22	MSS-001	PID - Mini Rae 3000	1	\$75.00	\$75.00
05/03/22	MSS-001	Oil/Water Interface Probe	1	\$50.00	\$50.00
05/03/22	MSS-001	PID - Mini Rae 3000	1	\$75.00	\$75.00
05/04/22	MSS-001	Oil/Water Interface Probe	1	\$50.00	\$50.00
05/04/22	MSS-001	PID - Mini Rae 3000	1	\$75.00	\$75.00
05/05/22	MSS-001	PID - Mini Rae 3000	1	\$75.00	\$75.00
05/07/22	MSS-001	Oil/Water Interface Probe	1	\$50.00	\$50.00
05/07/22	MSS-001	PID - Mini Rae 3000	1	\$75.00	\$75.00
05/14/22	MSS-002	Oil/Water Interface Probe	1	\$50.00	\$50.00
05/14/22	MSS-002	PID - Mini Rae 3000	1	\$75.00	\$75.00
05/15/22	MSS-002	Oil/Water Interface Probe	1	\$50.00	\$50.00
05/15/22	MSS-002	PID - Mini Rae 3000	1	\$75.00	\$75.00
05/18/22	MSS-002	Oil/Water Interface Probe	1	\$50.00	\$50.00
05/18/22	MSS-002	PID - Mini Rae 3000	1	\$75.00	\$75.00
06/08/22	MSS-002	Oil/Water Interface Probe	1	\$50.00	\$50.00
06/15/22	MSS-002	PID - Mini Rae 3000	1	\$75.00	\$75.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
ADDITIONAL EQUIPMENT RENTAL (from the Extra Fixed Rate Costs page):					
TOTAL EQUIPMENT RENTAL:					\$1,200.00

Interim Request No.	1	COST SUMMARY SHEET				
Consultant /Responsible Party: Environmental Pollution Consultants/Mena Short Stop, LLC						
Facility Identification #: 57000053		Facility Name: Mena Short stop				
Dates current costs incurred:		From	04/20/22	to	06/15/22	
		Request Date:	07/08/22			
COST SUMMARY						
1. DIRECT LABOR COST (attach labor recap)		Hours	Actual Cost			
Principal/Managerial		24.50	\$1,323.00			
Professional/Technical		171.75	\$9,652.50			
Support		0.00	\$0.00			
Totals		196.25	\$10,975.50			
Total Actual Labor Costs x 3			\$32,926.50			
2. FIXED RATE COSTS (List by category - attach recap)		Actual Cost				
Equipment Rental		\$1,200.00				
Per Diem (meals only, with documented overnight stay)		\$250.00				
Mileage		\$1,258.60				
Other		\$0.00				
Total Fixed Rate Costs		\$2,708.60				
3. OTHER DIRECT COSTS (List by category - attach recap)		Actual Cost				
Lodging		\$585.11				
Laboratory		\$385.00				
Subcontracts		\$47,768.36				
Supplies		\$0.00				
Other		\$0.00				
Total Other Direct Costs		\$48,738.47				
4. Reimbursement Preparation Cost for RA#(s) 1 (\$500 or \$1000)		\$1,000.00				
5. TOTAL ACTUAL COSTS (Labor + Fixed Costs + Other Direct Costs +RA Prep)		\$85,373.57				
6. Markup on Total Other Direct Costs (maximum 20%)		\$9,747.69				
7. TOTAL CLAIM AMOUNT (Enter total amount claimed for reimbursement)		\$95,121.26				
A. Total Reimbursement Requested to Date Including Above:		\$95,121.26				
B. Less Amount Deductible (\$25,000, \$15,000, or \$7,500)		\$7,500.00				
C. Less Amount Previously Retained/Disallowed by RST:		\$0.00				
D. Less Amount Previously Received (Reimbursed by ADEQ):		\$0.00				
E. Amount of this Request (same as line 7 above unless it is the 1st Request):		\$87,621.26				

**THE PROJECT SUMMARY THAT IS INCLUDED HERE
APPEARS AS EXHIBIT NO. 1 TO THIS REQUEST**

(EPC)
Environmental Pollution Consultants, Inc.
Associated Invoices



INVOICE

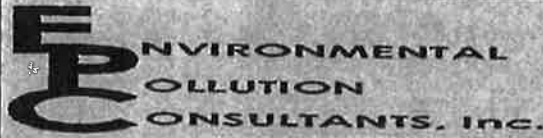
Invoice No: MSS-001	Invoice Date: May 26, 2022
Project Management - Field Assessment - IRR Vapor Mitigation/Abatement ER - MDPE (8hr) - MDPE (48hr)	

Customer Information: Mena Short Stop, LLC (Saraswati Bhandari) 24179 Dalmilla Drive Wister, Oklahoma 74968	Job Location: Mena Short Stop 420 Highway 71 South Mena, Arkansas 71953 Facility ID# 57000053; LUST Case# 57-0032; AFIN# 57-00350
--	---

Date	Description	Units	Rate	Total
Project Management (EPC Labor - David Diehl)				
04/21/22	PM - Site visit/Assessment - Station/Print Shop	7.50	\$ 162.00	\$ 1,215.00
04/28/22	PM - Request for ER Activities - Print Shop	0.25	\$ 162.00	\$ 40.50
04/30/22	PM - ADEE Conference call/followup calls - MDPE Scheduling (ER)	3.25	\$ 162.00	\$ 526.50
05/02/22	PM - Prep ER Costs Estimate	1.50	\$ 162.00	\$ 243.00
05/10/22	PM - ER Activity Summary	4.00	\$ 162.00	\$ 648.00
05/12/22	PM - revised ER Cost Estimate - ADEE - Vapor Abatement Equip review	2.25	\$ 162.00	\$ 364.50
05/13/22	PM - revised ER Cost Estimate/ADEE	3.50	\$ 162.00	\$ 567.00
Labor Subtotal				\$ 3,604.50
Task - 2 Field Activities (EPC Labor - David Diehl)				
04/28/22	Vapors in Print Shop - Vapor Mitigation - Install Vent Fans	8.00	\$ 162.00	\$ 1,296.00
04/30/22	Emergency Response - Mobe 8hr MDPE	1.50	\$ 243.00	\$ 364.50
05/01/22	Emergency Response - 8hr MDPE/Vapor readings/Print Shop/demobe	12.50	\$ 243.00	\$ 3,037.50
05/03/22	Emergency Response - 48hr MDPE/Vapor readings/Print Shop/mobe	16.75	\$ 162.00	\$ 2,713.50
05/04/22	Emergency Response - 48hr MDPE/Vapor readings/Print Shop	24.00	\$ 162.00	\$ 3,888.00
05/05/22	Emergency Response - 48hr MDPE/Vapor readings/Print Shop/demobe	13.25	\$ 162.00	\$ 2,146.50
05/07/22	Emergency Response - Vapor Mitigation/Print Shop/mobe/demobe	4.50	\$ 162.00	\$ 729.00
Labor Subtotal				\$ 14,175.00
Equipment (Mileage)				
04/21/22	PM - Dodge Ram - Mobe/demobe - Site Visit - HSV/Mena/HSV	172.00	\$ 0.70	\$ 120.40
04/28/22	PM - Dodge Ram - Mobe/demobe/Vapor Mitigation - HSV/Mena/HSV	172.00	\$ 0.70	\$ 120.40
04/30/22	ER - Dodge Ram - Mobe-8hr MDPE - HSV/Mena	90.00	\$ 0.70	\$ 63.00
05/01/22	ER - Dodge Ram - demobe-8hr MDPE - Mena/HSV	86.00	\$ 0.70	\$ 60.20
05/03/22	ER - Dodge Ram - mobe-48hr MDPE - HSV/Mena	85.00	\$ 0.70	\$ 59.50
05/04/22	ER - Dodge Ram - 48hr MDPE - Mena	10.00	\$ 0.70	\$ 7.00
05/05/22	ER - Dodge Ram - demobe-48hr MDPE - Mena/HSV	85.00	\$ 0.70	\$ 59.50
05/07/22	ER - Dodge Ram - Mobe/demobe/Vapor Mitigation - HSV/Mena/HSV	172.00	\$ 0.70	\$ 120.40
Mileage Subtotal				\$ 610.40
Page Total				\$ 18,389.90

Environmental Pollution Consultants, Inc.
P.O. Box 8782 - Hot Springs Village, Arkansas - 71910
501-922-7156

epc.inc@suddenlink.net



INVOICE

Invoice No: MSS-001

Invoice Date: May 26, 2022

Project Management - Field Assessment - IRR
 Vapor Mitigation/Abatement
 ER - MDPE (8hr) - MDPE (48hr)

Customer Information:

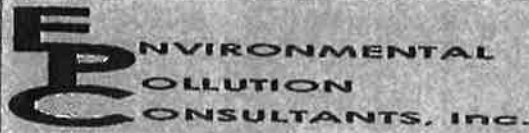
Mena Short Stop, LLC (Saraswati Bhandari)
 24179 Dalmilla Drive
 Wister, Oklahoma 74966

Job Location:

Mena Short Stop
 420 Highway 71 South
 Mena, Arkansas 71953
 Facility ID# 57000053; LUST Case# 57-0032; AFIN# 57-00350

Date	Description	Units	Rate	Total
Equipment (EPC)				
04/21/22	Oil/water Interface Probe - TP OW Gauging	1.00	\$ 50.00	\$ 50.00
04/28/22	PID - Mini Rae 3000 - Print Shop Vapor Screening	1.00	\$ 75.00	\$ 75.00
05/01/22	Oil/water Interface Probe - TP OW Gauging	1.00	\$ 50.00	\$ 50.00
05/01/22	PID - Mini Rae 3000 - Print Shop Vapor Screening	1.00	\$ 75.00	\$ 75.00
05/03/22	Oil/water Interface Probe - TP OW Gauging	1.00	\$ 50.00	\$ 50.00
05/03/22	PID - Mini Rae 3000 - Print Shop Vapor Screening	1.00	\$ 75.00	\$ 75.00
05/04/22	Oil/water Interface Probe - TP OW Gauging	1.00	\$ 50.00	\$ 50.00
05/04/22	PID - Mini Rae 3000 - Print Shop Vapor Screening	1.00	\$ 75.00	\$ 75.00
05/05/22	PID - Mini Rae 3000 - Print Shop Vapor Screening	1.00	\$ 75.00	\$ 75.00
05/07/22	Oil/water Interface Probe - TP OW Gauging	1.00	\$ 50.00	\$ 50.00
05/07/22	PID - Mini Rae 3000 - Print Shop Vapor Screening	1.00	\$ 75.00	\$ 75.00
Equipment Subtotal				\$ 700.00
Third Party Vendors				
05/01/22	Waste Water Specislities, Inc. (8hr MDPE) Inv# 315335	1.00	\$ 5,184.00	\$ 5,184.00
05/01/22	New Gen Resources, Inc. (8hr MDPE) Inv# EPC050522D	1.00	\$ 4,200.00	\$ 4,200.00
05/03/22	Waste Water Specislities, Inc. (48hr MDPE) Inv# 315335	1.00	\$ 29,766.73	\$ 29,766.73
05/03/22	New Gen Resources, Inc. (48hr MDPE) Inv# EPC050922D	1.00	\$ 10,080.00	\$ 10,080.00
05/19/22	Waste Water Specislities, Inc. (frac tank) Inv# 316780	1.00	\$ 712.80	\$ 712.80
Vendors Subtotal				\$ 49,943.53
Third Party Vendors (Analytical)				
05/24/22	T-3 Arkansas Analytical - soil - Inv# K22MAY251	1.00	\$ 216.00	\$ 216.00
Analytical Subtotal				\$ 216.00
Other Direct Costs - Per Diem				
04/30/22	Sun Country Inn (8hr) MDPE - Inv#128965	1.00	\$ 158.00	\$ 158.00
05/03/22	Sun Country Inn (48hr) MDPE - Inv#129005	1.00	\$ 272.06	\$ 272.06
05/05/22				
04/30/22	Meal Per Diem (1 day) - (8hr) MDPE	1.00	\$ 50.00	\$ 50.00
05/03/22	Meal Per Diem (2 days) - (48hr) MDPE	2.00	\$ 50.00	\$ 100.00
05/05/22				
Page Total				\$ 51,439.60
Page Total				\$ 69,829.50

Environmental Pollution Consultants, Inc.
 P.O. Box 8782 - Hot Springs Village, Arkansas - 71910
 501-922-7156
epc.inc@suddenlink.net



INVOICE

Invoice No: MSS-002	Invoice Date: July 8, 2022
Project Management - Field Activities Targeted Excavation - IRWP - Emergency Order WP Emergency Order Field Reimbursement Application	

Customer Information: Mena Short Stop, LLC (Saraswati Bhandari) 24179 Dalmilla Drive Wister, Oklahoma 74968	Job Location: Mena Short Stop 420 Highway 71 South Mena, Arkansas 71953 Facility ID# 57000053, LUST Case# 57-0032, AFIN# 57-00350
--	---

Date	Description	Units	Rate	Total
Project Management (EPC Labor - David Diehl)				
05/16/22	PM - Discussion with ADEE/switch to on-call Contractor	0.25	\$ 162.00	\$ 40.50
05/17/22	PM - Disc w/ RP/AECOM	1.00	\$ 162.00	\$ 162.00
05/20/22	PM - Disc w/ ADEE - Interim Remediation Work Plan	0.50	\$ 162.00	\$ 81.00
06/07/22	PM - Print/prepare Interim Remediation Work Plan for RP	0.50	\$ 162.00	\$ 81.00
			Labor Subtotal	\$ 364.50
Task - 2 Field Activities (EPC Labor - David Diehl)				
05/13/22	Emergency Response - Load Truck/Mobe for Targeted excavations	2.00	\$ 162.00	\$ 324.00
05/14/22	Emergency Response - Targeted excavations	10.00	\$ 162.00	\$ 1,620.00
05/15/22	Emergency Response - Mobe/Targeted excavations/vac/demobe	10.00	\$ 162.00	\$ 1,620.00
05/16/22	Emergency Response - Delivery of soil samples to lab	2.50	\$ 162.00	\$ 405.00
05/18/22	Emergency Response - mobe/FP Check/demobe	4.50	\$ 162.00	\$ 729.00
06/08/22	Complaint Response - mobe/met w/ ADEE/gauge/demobe	6.00	\$ 162.00	\$ 972.00
06/15/22	Emergency Order - preparations for UST removal	7.00	\$ 162.00	\$ 1,134.00
			Labor Subtotal	\$ 8,804.00
Task - 2 Office/Reporting (EPC Labor - David Diehl)				
05/25/22	Interim Remediation Work Plan	2.50	\$ 162.00	\$ 405.00
05/26/22	Interim Remediation Work Plan	5.50	\$ 162.00	\$ 891.00
05/31/22	Interim Remediation Work Plan	4.00	\$ 162.00	\$ 648.00
06/01/22	Interim Remediation Work Plan	4.00	\$ 162.00	\$ 648.00
06/02/22	Interim Remediation Work Plan	5.50	\$ 162.00	\$ 891.00
06/07/22	Emergency Response Report	1.50	\$ 162.00	\$ 243.00
06/09/22	Complaint Report	2.00	\$ 162.00	\$ 324.00
06/09/22	Emergency Response Report	2.00	\$ 162.00	\$ 324.00
06/10/22	Emergency Response Report	4.50	\$ 162.00	\$ 729.00
06/11/22	Emergency Response Report	2.50	\$ 162.00	\$ 405.00
06/14/22	Emergency Order Work Plan	13.00	\$ 162.00	\$ 2,106.00
06/15/22	Emergency Response Report	2.25	\$ 162.00	\$ 354.50
			Labor Subtotal	\$ 7,978.50
Page Total				\$ 15,147.00



INVOICE

Invoice No: MSS-002	Invoice Date: July 6, 2022
Project Management - Field Activities Targeted Excavation - IRWP - Emergency Order WP Emergency Order Field Reimbursement Application	

Customer Information: Mena Short Stop, LLC (Saraswati Bhandari) 24179 Dalmilla Drive Wister, Oklahoma 74966	Job Location: Mena Short Stop 420 Highway 71 South Mena, Arkansas 71953 Facility ID# 57000053; LUST Case# 57-0032; AFIN# 57-00350
--	---

Date	Description	Units	Rate	Total
Equipment (Mileage) Dodge Ram				
05/13/22	ER - move-Excavation - HSV/Mena	86.00	\$ 0.70	\$ 60.20
05/14/22	ER - Excavation - Mena	18.00	\$ 0.70	\$ 12.60
05/15/22	ER - demobe-Excavation - Mena/HSV	86.00	\$ 0.70	\$ 60.20
05/16/22	ER - Sample Delivery - HSV/LR/HSV	110.00	\$ 0.70	\$ 77.00
05/18/22	Emergency Response - HSV/Mena/HSV	172.00	\$ 0.70	\$ 120.40
06/08/22	ER - Complaint Response - HSV/Mena/HSV	172.00	\$ 0.70	\$ 120.40
06/15/22	Emergency Order - Wp/Field - HSV/NLR/Mena/HSV	282.00	\$ 0.70	\$ 197.40
Mileage Subtotal				\$ 648.20
Equipment (EPG)				
05/14/22	Oil/water Interface Probe - TP OW Gauging	1.00	\$ 50.00	\$ 50.00
05/14/22	PID - Mini Rae 3000 - Print Shop Vapor Screening	1.00	\$ 75.00	\$ 75.00
05/15/22	Oil/water Interface Probe - TP OW Gauging	1.00	\$ 50.00	\$ 50.00
05/15/22	PID - Mini Rae 3000 - Print Shop Vapor Screening	1.00	\$ 75.00	\$ 75.00
05/18/22	Oil/water Interface Probe - TP OW Gauging	1.00	\$ 50.00	\$ 50.00
05/18/22	PID - Mini Rae 3000 - Print Shop Vapor Screening	1.00	\$ 75.00	\$ 75.00
06/08/22	Oil/water Interface Probe - TP OW Gauging	1.00	\$ 50.00	\$ 50.00
06/15/22	PID - Mini Rae 3000 - Print Shop Vapor Screening	1.00	\$ 75.00	\$ 75.00
Equipment Subtotal				\$ 500.00
Third Party Vendors				
5/14-15/22	ER - Excavation - Mena B&W Advanced Electric, LLC - Inv# 231202201	1.00	\$ 6,160.80	\$ 6,160.80
05/15/22	Waste Water Specialties, Inc(ER-Excavation Water/FP) Inv# 3318411	1.00	\$ 1,217.70	\$ 1,217.70
Third Party Vendors				\$ 7,378.50
(Analytical)				
06/03/22	Arkansas Analytical - targeted soil (TCLP/Lead) - Inv# K22JUN47	1.00	\$ 246.00	\$ 246.00
Third Party Vender Analytical				\$ 246.00
Other Direct Costs - Per Diem				
05/13/22	Sun Country Inn - Excavation - Inv#129234	1.00	\$ 136.03	\$ 136.03
05/14/22	Sun Country Inn - Excavation - Inv#129242	1.00	\$ 136.03	\$ 136.03
05/13/22	Meal Per Diem (1 day) - Excavation	1.00	\$ 50.00	\$ 50.00
05/14/22	Meal Per Diem (1 day) - Excavation	1.00	\$ 50.00	\$ 50.00
Per Diem Subtotal				\$ 372.06
07/08/22	Reimbursement Application		\$	1,000.00
Page Total				\$ 10,144.76
TOTAL				\$ 25,291.76

Environmental Pollution Consultants, Inc.
P.O. Box 8782 - Hot Springs Village, Arkansas - 71910
501-922-7156

epc inc@suddenlink net

**Other Direct Costs
Associated Invoices**

Sun Country Inn

1309 Highway 71 North
Mena AR 71953
Phone: 479-394-7894

Folio

E P C
DAVID DIEHL
5 HELENA LN
HOT SPRINGS VILLIAGE, AR 71909
USA

Date **Invoice #** **Page**
30-Apr-2022 128965 1

Arrival **Departure** **Folio #**
30-Apr-2022 1-May-2022 312457

Date	Description	Amount	Tax	Balance
30-Apr-22	221D - *Room Charges	\$115.00	\$16.67	\$131.67
30-Apr-22	221D - Visa	\$131.67		\$0.00
	Sun Country Inn		Total due:	\$0.00

SIGNATURE _____

Thank you for choosing Sun Country Inn

Network = suncountry

Password = poolside

CHECK OUT IS AT 11:00 A.M.

Sun Country Inn
1309 Highway 71 North
Mena AR 71953
Phone: 479-394-7894

Folio

E P C
DAVID DIEHL
5 HELENA LN
HOT SPRINGS VILLIAGE, AR 71909
USA

Date **Invoice #** **Page**
3-May-2022 129005 1

Arrival **Departure** **Folio #**
3-May-2022 5-May-2022 312461

<u>Date</u>	<u>Description</u>	<u>Amount</u>	<u>Tax</u>	<u>Balance</u>
03-May-22	221D - *Room Charges	\$99.00	\$14.36	\$113.36
03-May-22	221D - Visa	\$226.72		(\$113.36)
04-May-22	221D - *Room Charges	\$99.00	\$14.36	\$0.00
	Sun Country Inn		Total due:	\$0.00

SIGNATURE _____

Thank you for choosing Sun Country Inn

Network = suncountry
Password = poolside

CHECK OUT IS AT 11:00 A.M.

Sun Country Inn
1309 Highway 71 North
Mena AR 71953
Phone: 479-394-7894

Folio

Date	Invoice #	Page
13-May-2022	129234	1

E P C
DAVID DIBHL
5 HELENA LN
HOT SPRINGS VILLIAGE, AR 71909
USA

Arrival	Departure	Folio #
13-May-2022	14-May-2022	312796

<u>Date</u>	<u>Description</u>	<u>Amount</u>	<u>Tax</u>	<u>Balance</u>
13-May-22	111K - *Room Charges	\$99.00	\$14.36	\$113.36
13-May-22	111K - Visa	\$113.36		\$0.00
	Sun Country Inn		Total due:	\$0.00

SIGNATURE _____

Thank you for choosing Sun Country Inn

Network = suncountry
Password = poolside

CHECK OUT IS AT 11:00 A.M.

Sun Country Inn
 1309 Highway 71 North
 Mena AR 71953
 Phone: 479-394-7894

Folio

<u>Date</u>	<u>Invoice #</u>	<u>Page</u>
14-May-2022	129242	1

E P C
 DAVID DIEHL
 5 HELENA LN
 HOT SPRINGS VILLIAGE, AR 71909
 USA

<u>Arrival</u>	<u>Departure</u>	<u>Folio #</u>
14-May-2022	15-May-2022	312802

<u>Date</u>	<u>Description</u>	<u>Amount</u>	<u>Tax</u>	<u>Balance</u>
14-May-22	221D - *Room Charges	\$99.00	\$14.36	\$113.36
14-May-22	221D - Visa	\$113.36		\$0.00
	Sun Country Inn		Total due:	\$0.00

SIGNATURE _____

Thank you for choosing Sun Country Inn

Network = suncountry

Password = poolside

CHECK OUT IS AT 11:00 A.M.



Invoice

FEIN: 71-0698123

Invoice Number K22MAY251

Invoice Date 5/24/2022

Bill To
 E.P.C.
 P.O. Box 8782
 Hot Springs Village, AR 71910
 Attn: Accounts Payable

P.O. Number NONE

Project Number May 2022

Project Name MenaShortStop

Date Received 5/16/2022

SDG Number 2205243-01-02

Terms NET 30

Ship To
 E.P.C.
 P.O. Box 8782
 Hot Springs Village, AR 71910
 Attn: David Diehl

Quantity	Description	Unit Price	Amount
2	BTEX, TPH-GRO, MTBE, Naphthalene	45.00	90.00
2	TPH-DRO	45.00	90.00

Questions Concerning This Invoice?
 Call: Norma James or Sydney James
 501-455-3233

MAKE ALL CHECKS PAYABLE TO:
Arkansas Analytical, Inc.
8100 National Dr.
Little Rock, AR 72209

\$180.00
Pay This
Amount

THANK YOU FOR YOUR BUSINESS!



Invoice

FEIN: 71-0698123

Invoice Number K22JUN47

Invoice Date 6/3/2022

Bill To
E.P.C. P.O. Box 8782 Hot Springs Village, AR 71910 Attn: Accounts Payable

P.O. Number NONE

Project Number May 2022

Project Name MenaShortStop

Date Received 5/16/2022

SDG Number 2205243-02,03

Terms NET 30

Ship To
E.P.C. P.O. Box 8782 Hot Springs Village, AR 71910 Attn: David Diehl

Quantity	Description	Unit Price	Amount
1	Added Analysis -- 5/26/22 SDG Number: 2205243-03 (Composlte)		
1	TCLP Benzene	150.00	150.00
1	TCLP Lead	15.00	15.00
1	TCLP Extraction	25.00	25.00
1	Added Analysis - 5/27/22 SDG Number: 2205243-02 Lead	15.00	15.00

Questions Concerning This Invoice?

Call: Norma James or Sydney James
501-455-3233

MAKE ALL CHECKS PAYABLE TO:

Arkansas Analytical, Inc.
8100 National Dr.
Little Rock, AR 72209

\$205.00

**Pay This
Amount.**

THANK YOU FOR YOUR BUSINESS!



Invoice

FEIN: 71-0698123

Invoice Number K22JUL8
Invoice Date 7/5/2022

Bill To
 E.P.C.
 P.O. Box 8782
 Hot Springs Village, AR 71910
 Attn: Accounts Payable

P.O. Number NONE
Project Number June 2022
Project Name MenaShortStop
Date Received 6/27/2022
SDG Number 2206383-01-02
Terms NET 30

Ship To
 E.P.C.
 P.O. Box 8782
 Hot Springs Village, AR 71910
 Attn: David Diehl

Quantity	Description	Unit Price	Amount
1	5 Day Turnaround Fee		
1	BTEX, TPH-GRO, MTBE, Naphthalene	45.00	45.00
1	TPH-DRO	45.00	45.00
1	Volatiles (DCA, EDB)	150.00	150.00
1	Lead	15.00	15.00
1	TCLP Benzene	150.00	150.00
1	TCLP Lead	15.00	15.00
1	TCLP Extraction	25.00	25.00
1	2 Day Turnaround Fee - 50%		
1	BTEX, TPH-GRO, MTBE, Naphthalene	22.50	22.50
1	TPH-DRO	22.50	22.50
1	Volatiles (DCA, EDB)	75.00	75.00
1	Lead	7.50	7.50

Questions Concerning This Invoice?
 Call: Sydney James -- 501-455-3233
 Email: sjames@arkansasanalytical.com

MAKE ALL CHECKS PAYABLE TO:
Arkansas Analytical, Inc.
8100 National Dr.
Little Rock, AR 72209

\$572.50
Pay This
Amount

THANK YOU FOR YOUR BUSINESS!



3308 Bernice Avenue
Russellville AR 72802

Invoice

#INV315335
Date: 5/11/2022
Terms: Net 30
Customer Number: 2083 : 7
Invoice Due Date: 6/10/2022
Customer PO:
Page 1 of 3

Bill To
EPC Inc
PO Box 8782
Hot Springs Village AR 71910

Site Name
Mena Short Stop
420 Hwy 71
Mena AR 71953
United States

Ticket Date	Ticket #	Description	Units	Quantity	Rate	Amount
5/1/2022	107061	Vacuum Truck Site Work	Ea	15.00	\$175.00	\$2,625.00
5/1/2022	107061	Disposal Fee	Gal	1900.00	\$0.45	\$855.00
5/1/2022	107061	Energy Surcharge	Prct	2625.00	\$0.32	\$840.00
Work Order Total:						\$4,320.00
5/4/2022	107090	Vacuum Truck Site Work	Ea	11.00	\$175.00	\$1,925.00
5/4/2022	107090	Per Diem	Ea	1.00	\$155.00	\$155.00
5/4/2022	107090	Energy Surcharge	Prct	1925.00	\$0.32	\$616.00
Work Order Total:						\$2,696.00
5/3/2022	107090-1	Vacuum Truck Site Work	Ea	14.50	\$175.00	\$2,537.50
5/3/2022	107090-1	Per Diem	Ea	1.00	\$155.00	\$155.00
5/3/2022	107090-1	Energy Surcharge	Prct	2537.50	\$0.32	\$812.00
Work Order Total:						\$3,504.50
5/5/2022	107090-2	Vacuum Truck Site Work	Ea	13.00	\$175.00	\$2,275.00
5/5/2022	107090-2	Per Diem	Ea	1.00	\$155.00	\$155.00
5/5/2022	107090-2	Energy Surcharge	Prct	2275.00	\$0.32	\$728.00
Work Order Total:						\$3,158.00
5/4/2022	107090-3	Vacuum Truck Site Work	Ea	9.00	\$175.00	\$1,575.00
5/4/2022	107090-3	Per Diem	Ea	1.00	\$155.00	\$155.00
5/4/2022	107090-3	Energy Surcharge	Prct	1575.00	\$0.32	\$504.00
Work Order Total:						\$2,234.00
5/6/2022	107090-4	Vacuum Truck Site Work	Ea	10.00	\$175.00	\$1,750.00
5/6/2022	107090-4	Energy Surcharge	Prct	1750.00	\$0.32	\$560.00
Work Order Total:						\$2,310.00
5/5/2022	107090-5	Field Operator	Hr	3.00	\$55.00	\$165.00

ok
1/11



3308 Bernice Avenue
Russellville AR 72802

Invoice

#INV315335
Date: 5/11/2022
Terms: Net 30
Customer Number: 2083 : 7
Invoice Due Date: 6/10/2022
Customer PO:
Page 2 of 3

Bill To
EPC Inc
PO Box 8782
Hot Springs Village AR 71910

Site Name
Mena Short Stop
420 Hwy 71
Mena AR 71953
United States

Ticket Date	Ticket #	Description	Units	Quantity	Rate	Amount
5/5/2022	107090-5	Crew Truck	Ea	3.00	\$125.00	\$375.00
5/5/2022	107090-5	Energy Surcharge	Prct	540.00	\$0.32	\$172.80
Work Order Total:						\$712.80
5/5/2022	107122	Rental < 30	Mon	1.00	\$81.08	\$81.08
Work Order Total:						\$81.08
5/3/2022	107122-1	Delivery of Prod/Equip	Ea	1.00	\$1,245.55	\$1,245.55
Work Order Total:						\$1,245.55
5/5/2022	107122-2	Equipment Removal	Hr	1.00	\$1,303.05	\$1,303.05
Work Order Total:						\$1,303.05
5/4/2022	107125	Transport of Fluids	Hr	8.50	\$105.00	\$892.50
5/4/2022	107125	Disposal Oily Water	Gal	5040.00	\$0.45	\$2,268.00
5/4/2022	107125	Energy Surcharge	Prct	3160.50	\$0.32	\$1,011.36
Work Order Total:						\$4,171.86
5/5/2022	107130	Transport of Fluids	Hr	8.25	\$105.00	\$866.25
5/5/2022	107130	Disposal Oily Water	Gal	3780.00	\$0.45	\$1,701.00
5/5/2022	107130	Energy Surcharge	Prct	2567.25	\$0.32	\$821.52
Work Order Total:						\$3,388.77



3308 Bernice Avenue
Russellville AR 72802

Invoice

#INV315335
Date: 5/11/2022
Terms: Net 30
Customer Number: 2083 : 7
Invoice Due Date: 6/10/2022
Customer PO:
Page 3 of 3

Bill To
EPC Inc
PO Box 8782
Hot Springs Village AR 71910

Site Name
Mena Short Stop
420 Hwy 71
Mena AR 71953
United States

Remit To

Net Invoice: \$29,125.61

Sales Tax: \$0.00

Invoice Total \$29,125.61



INVOICE

1527 W. State Highway 114, STE 500
Grapevine, TX 76051

DATE: May 5, 2022

INVOICE # EPC050522D

Bill To: EPC
P.O. Box 878
Hot Springs Village, AR 71910

P.O. #	Work Date	Invoice Date	Terms	Due Date
VERBAL - DAVID	May 1, 2022	May 5, 2022	NET 30	June 4, 2022

Description	Quantity	Units	Unit Price	Line Total
Dual Phase Extraction - 8 Hr Event Mena, AR - Emergency & Weekend	1	EVENT	\$ 3,000.00	\$ 3,000.00
Mobilization	1	MOBE	\$ 500.00	\$ 500.00

Remit To: NewGen Resources, LLC
1527 W. State Highway 114, STE 500
Grapevine, TX 76051

Sales Tax

SUBTOTAL	3,500.00
0.000%	-
TOTAL	3,500.00
PAID	-
TOTAL DUE	3,500.00

THANK YOU FOR YOUR BUSINESS!



INVOICE

1527 W. State Highway 114, STE 500
Grapevine, TX 76051

DATE: May 9, 2022

INVOICE # EPC050922D

Bill To: EPC
P.O. Box 878
Hot Springs Village, AR 71910

P.O. #	Work Date	Invoice Date	Terms	Due Date
VERBAL - DAVID	5/3 - 5/5	May 9, 2022	NET 30	June 8, 2022

Description	Quantity	Units	Unit Price	Line Total
Dual Phase Extraction - 48 Hr Event Mena, AR - Short Stop	1	EVENT	\$ 7,500.00	\$ 7,500.00
Mobilization	1	MOBE	\$ 500.00	\$ 500.00
Per Diem	2	EA	\$ 200.00	\$ 400.00

Remit To: NewGen Resources, LLC
1527 W. State Highway 114, STE 500
Grapevine, TX 76051

Sales Tax

SUBTOTAL	8,400.00
Sales Tax	0.000%
TOTAL	8,400.00
PAID	-
TOTAL DUE	8,400.00

THANK YOU FOR YOUR BUSINESS!



3308 Bernice Avenue
Russellville AR 72802

Invoice

#INV316780
Date: 6/19/2022
Terms: Net 30
Customer Number: 2083 : 7
Invoice Due Date: 6/18/2022
Customer PO:
Page 1 of 1

Bill To
EPC Inc
PO Box 8782
Hot Springs Village AR 71910

Site Name
Mena Short Stop
420 Hwy 71
Mena AR 71953
United States

Ticket Date	Ticket #	Description	Units	Quantity	Rate	Amount
6/9/2022	107122-3	Washout	Ea	1.00	\$460.00	\$450.00
6/9/2022	107122-3	Energy Surcharge	Prcl	450.00	\$0.32	\$144.00
Work Order Total:						\$594.00

Remit To

Net Invoice:	\$594.00
Sales Tax:	\$0.00
Invoice Total	\$594.00

**B&W Advanced
Electric, LLC**

License number: M-5185



156 Polk Rd 177
Mena, AR 71953
Phone: (479)-234-2739
Email: advancedelectric19@gmail.com

DATE May 31, 2022
Invoice # 531202201
Customer ID

Invoice For:

David

Prepared by: Nick Wolfenbarger

Description	AMOUNT
materials	\$ 563.62
labor	\$ 3,280.00
fill dirt to replace taken out.	\$ 300.00
machine time	\$ 990.00
For removing fuel saturated dirt and refilling with fresh fill dirt, for machine time and labor, materials to put contaminated dirt onto and to move dirt to holding location until it can be moved to landfill.	\$5,134

If you have any questions concerning this invoice contact Kevin Wolfenbarger.

THANK YOU FOR YOUR BUSINESS!



3308 Bernice Avenue
Russellville AR 72802

Invoice

#INV318411
Date: 5/25/2022
Terms: Net 30
Customer Number: 2083 : 7
Invoice Due Date: 6/24/2022
Customer PO:
Page 1 of 1

Bill To
EPC Inc
PO Box 8782
Hot Springs Village AR 71910

Site Name
Mena Short Stop
420 Hwy 71
Mena AR 71953
United States

Ticket Date	Ticket #	Description	Units	Quantity	Rate	Amount
5/15/2022	107258	Transport of Fluids	Hr	7.00	\$105.00	\$735.00
5/15/2022	107258	Disposal Oily Water	Gal	75.00	\$0.45	\$33.75
5/15/2022	107258	Energy Surcharge	Prct	768.75	\$0.32	\$246.00
Work Order Total:						\$1,014.75

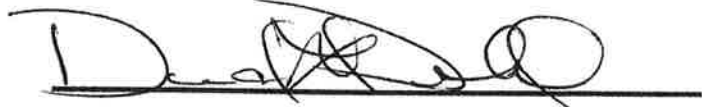
Remit To	
Payable To: EPC Inc PO Box 8782 Hot Springs Village AR 71910	Net Invoice: \$1,014.75 Sales Tax: \$0.00 <hr/> Invoice Total \$1,014.75

PROOF OF PAYMENT AFFIDAVIT

I, David Diehl being of sound mind, am responsible to ensure this application is completed per regulatory requirements. I have personal knowledge of the contents of this document; all of which are true and correct to the best of my knowledge. Furthermore, as President of EPC, Inc., I certify that, as of this date, EPC, Inc. has been paid in full by Mena Short Stop, LLC for the invoices contained in this reimbursement request:

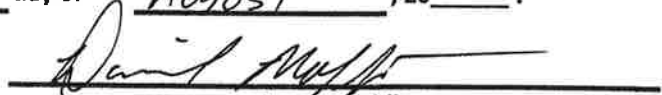
Invoice Number	Invoice Date	Invoice Amount
MSS-001	5/26/2022	\$69,829.50
MSS-002	5/27/2022	\$25,291.76
Total		\$95,121.26

Signed this 29 day of AUGUST, 2022


 David Diehl / President

ACKNOWLEDGEMENT

Sworn to and subscribed before me this 29 day of August, 2022.


 Notary Public

My Commission Expires: 03/28/2032



EXHIBIT 4



ARKANSAS ENERGY & ENVIRONMENT

February 21, 2023

Ms. Sara Bhandari
Mena Short Stop, LLC
24179 Dalmilla Drive
Wister, OK 74966

Re: Reimbursement Application #1
Mena Short Stop
420 Highway 71 South
Mena, AR 71953
ID #57000053 LUST #57-0032 AFIN 57-00350

Dear Ms. Bhandari:

I am in receipt of Reimbursement Application #1 in the amount of \$87,621.26, submitted by your consultant, Environmental Pollution Consultants, Inc., for remediation work of LUST #57-0032 during the period of April 20, 2022, through June 15, 2022.

Without documented proof of payment for each invoice included in this application, we are unable to complete the review of this application. Pursuant to PC&EC Rule 12.308(5), I am requesting a copy of canceled checks (front and back) from you and your consultant, or business receipts from vendors for whom a check was not the form of payment, confirming receipt and date of payment for each invoice.

Please send documentation of payment for each vendor invoice listed below:

Date	Invoice #	Vendor	Amount
5/24/22	K22MAY251	Arkansas Analytical	\$180.00
6/3/22	K22JUN47	Arkansas Analytical	\$205.00
5/11/22	315335	Waste Water Specialties	\$4,320.00
5/5/22	EPC050522D	New Gen Resources, Inc.	\$3,500.00
5/11/22	315335	Waste Water Specialties	\$24,805.61
5/9/22	EPC050922D	New Gen Resources, Inc.	\$8,400.00
5/19/22	316780	Waste Water Specialties	\$594.00
5/31/22	531202201	B&W Advanced Electric	\$5,134.00
5/25/22	318411	Waste Water Specialties	\$1,014.75
5/26/22	MSS-001	EPC, Inc.	\$69,829.50
5/27/22	MSS-002	EPC, Inc.	\$25,291.76





ARKANSAS
ENERGY & ENVIRONMENT

Further review of this Reimbursement Application will remain pending until evidence of payment for all invoices listed above has been provided to me as requested.

If you have any questions or need additional information, please do not hesitate to contact me at 501-682-0632 or jacqueline.trotta@adeq.state.ar.us.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Jacqueline Trotta'.

Jacqueline Trotta
Trust Fund Administrator, Office of Land Resources
Division of Environmental Quality, 5301 Northshore Drive, North Little Rock, AR 72118

cc: David Frazier, Office of Land Resources, DEQ
Lisa Thompson, Senior Attorney, Office of Chief Counsel, ADEE
Richard H. Mays, Richard Mays Law Firm, PLLC
David Diehl, EPC

EXHIBIT 5

RICHARD MAYS

L A W F I R M P L L C

Richard H. Mays
rmays@richmayslaw.com

501-891-6116
www.richmayslaw.com

March 24, 2023

Ms. Jacqueline Trotta
Trust Fund Administrator, Office of Land Resources
Division of Environmental Quality
Arkansas Department of Energy
And Environment
5301 Northshore Drive
North Little Rock, Arkansas 72118

Re: Reimbursement Application No. 1
Mena Short Stop
420 Highway 71 South
Mena, AR 71953
ID #57000053 Lust #57-0032 AFIN 57-00350

Dear Ms. Trotta:

As you know, I represent Mena Short Stop LLC ("Mena SS") in the captioned matter.

Upon discovery of a release of petroleum at the facility from a functional element on the UST system located between the tanks and the dispenser on or about April 20, 2022, Mena SS immediately reported the release to the Division of Environmental Quality ("DEQ"), and retained an environmental consulting firm, Environmental Pollution Consultants, Inc. ("EPC").

EPC proceeded to take action to assess the extent of the contamination, to minimize spread of the contamination, and to assess appropriate remedial action. A representative of EPC has been on-site much of the time since April 20, 2022, during which time it has taken samples, obtained analysis of those samples, developed reports to DEQ and proposals for site investigation and remediation, and hired sub-contractors to perform abatement or remedial measures. A copy of EPC's itemized list of actions taken and costs incurred is attached to this letter as Exhibit No. 1.



EPC incurred costs on behalf of Mena SS in excess of \$7,500.00.00, and Mena SS reimbursed EPC for \$7,500.00.00. The check of Mena SS to EPC, Inc. dated August 27, 2022, in the amount of \$7,500.00.00 is attached to this letter as Exhibit No. 2.

EPC thereafter filed an application on behalf of Mena SS with DEQ for reimbursement of the total amount of the costs of remediation incurred by it to on or about the date of the application. As you know, DEQ issued a letter to Ms. Sara Bhandari, owner of Mena SS, acknowledging receipt of the application by EPC, but stating that "Without documented proof of payment for each invoice included in this application, we are unable to complete the review of this application," and requesting canceled checks from Mena SS and EPC, or receipts from vendors showing proof of payment of their invoices.

We are of the opinion that requiring proof of payment to vendors as a condition precedent to filing an application for reimbursement from the UST Trust Fund after the owner/operator pays the initial \$7,500.00.00 in remediation costs is not legally justifiable nor practical in application. The following is an explanation for our opinion.

Ark. Code Ann. §8-7-907 states in relevant part:

- (a) (1) No payment for corrective action shall be paid from the Petroleum Storage Tank Trust Fund until the owner or operator has expended seven thousand five hundred dollars (\$7,500.00) on corrective action for the occurrence, *It is the intent of the General Assembly that this initial level of expenditure be considered the equivalent of an insurance policy deductible.* (Italics added)
- (2) Owners or operators of underground storage tanks must demonstrate financial responsibility for the seven-thousand-five-hundred-dollar deductible for corrective actions.
- (b) (n/a)
- (c) All payments for corrective action expenses of the owner or operator shall be made only following proof that:
 - (1) (A) At the time of discovery of the release the owner or operator had paid all fees required under state law or rules applicable to petroleum storage tanks.
 - (B) n/a

- (2) The corrective action expenses submitted for reimbursement consist of items and amounts that are in accord and compliant with Division of Environmental Quality rules; and
- (3) The owner or operator cooperated fully with the division in corrective action to address the release.

In addition to ACA §8-7-907, Commission Rule 12.303 provides:

- (A) For an owner or operator to obtain any coverage by the trust fund for corrective action necessary to address an accidental release, all of the following requirements must be met:
 - (1) At the time of the discovery of the release, the owner or operator must have met each of the requirements for trust fund eligibility as set forth in Rule 12.302(D);
 - (2) The release must have occurred after February 22, 1989;
 - (3) The Division must have been given timely notice of the release as required by Rule 12.305;
 - (4) The owner or operator must cooperate fully with the Division in conducting corrective action to address the release; and
 - (5) The owner or operator must have expended seven thousand five hundred dollars (\$7,500.00) in reasonable, allowable, and necessary corrective action costs for the occurrence.

All of those conditions have been met.

Furthermore, Rule 12.306 (Amount of Reimbursement) provides:

- (A) The trust fund will provide reimbursement to eligible owners or operators of storage tanks for corrective action costs required to address accidental releases in an amount not to exceed one million four hundred ninety-two thousand five hundred dollars (\$1,492,500) per occurrence.
- (B) *The owner or operator shall be responsible for the first seven thousand five hundred dollars (\$7,500.00) of corrective action costs per occurrence.*

Finally, Rule 12.307 (Deductible) states:

- (A) The first seven thousand five hundred dollars (\$7,500.00) of corrective action costs incurred by the owner or operator *shall be considered a deductible* and is not eligible for reimbursement from the trust fund. (Italics added)
- (B) (1) A reimbursement for corrective action costs shall not be made from the trust fund *until the deductible for the occurrence has been expended by the owner or operator.* (Italics added)
 - (2) An owner or operator may not submit an application for reimbursement for corrective action costs until he or she *has expended the deductible.* (Italics added)
 - (3) *Proof of payment of the deductible must be provided to the Division prior to approval of reimbursement for any corrective action costs.* (Italics added)
 - (4) *For purposes of meeting the deductible, proof of payment shall consist of a receipt, a copy of a money order, or a canceled check. . . .* (Italics added)

It has been established in the proceedings to date involving Mena SS that Mena SS is eligible for coverage under the UST Trust Fund, and that the conditions for reimbursement to Mena SS have been met. Further, a reading of the plain language of Ark. Code Ann. §8-7-907 (a)(1), cited above indicates that it was the intent of the Arkansas Legislature that the UST Trust Fund was to be considered as an insurance policy, with the \$7,500.00.00 initial expenditure of the UST owner/operator to be considered as equivalent to the insured's deductible in an insurance policy, and with the insurance company (*i.e.*, the Trust Fund) to pay the remaining costs of repair/remediation upon presentation of proof of such costs. In fact, the statute is very explicit in saying that.

The Commission regulations cited above are equally clear that the Trust Fund is analogous to an insurance policy, with the owner/operator to be responsible for payment of the initial \$7500 as a "deductible." The owner or operator shall be responsible for the first seven thousand five hundred dollars (\$7,500.00) of corrective action costs per occurrence." (Rule 12.306(B)); The first seven thousand five hundred dollars (\$7,500.00) of corrective action costs incurred by the owner or operator *shall be considered a deductible* and is not eligible for reimbursement from the trust fund. (Rule 12.307(A)), among others.

This analogy is continued in Rule 12.307, which again refers to the first \$7,500.00.00 of remediation costs as a "deductible;" states that there will be no reimbursement for corrective action costs until the "deductible" has been expended by the owner/operator; and that proof of payment of the "deductible" must be provided to DEQ *prior to approval of any reimbursement of remedial costs*. Proof of payment is made by providing a copy of a cancelled check of the amount of \$7,500.00.00 or more.

Unfortunately, the analogy to coverage of an insurance policy is not carried forward in the procedure for applying for reimbursement for corrective action costs contained in Rule 12.308. which states in relevant part:

(A) To apply for reimbursement of corrective action costs, an owner or operator must meet the requirements for coverage set forth in Rule 12.303 and meet the requirements of this Chapter for reimbursement applications.

(B) An application shall not contain a request for reimbursement, nor shall reimbursement be made, in advance of the reimbursable services being rendered or reimbursable costs being incurred.

(C) Any applications for reimbursement of corrective action costs must be submitted on forms provided by the Division and shall include an accounting of all charges itemized by labor hours and rates, analytical charges, equipment charges and other categories that may be identified by the Division. The application also shall contain the following:

...

(5) Evidence that the amounts shown on the invoices for which reimbursement is requested *have been paid in full* by the applicant. The evidence must be accompanied by a copy of any of the following:

(a) Business receipts, indicating all payments received;

(b) Canceled checks (front and back);

...

(Italics added)

Rule 12.308(C)(5) is apparently relied upon by DEQ to require payment in full of all costs of remediation incurred by the owner/operator, regardless of whether the owner/operator has satisfied the deductible of \$7,500.00.00 before DEQ will consider an

application for reimbursement. This goes beyond the procedure customarily used in claims against insurance companies, where, after the deductible is satisfied, the insured submits bills for repair or replacement costs (whether paid or not), and the insurance company is obligated to reimburse the insured.

Rule 12.308(B), in fact, follows the "insurance analogy" by providing that reimbursement shall not be made in advance of the reimbursable services being rendered or reimbursable costs being incurred. "Incurred" means "to contract for or accept responsibility for", but it is not synonymous with "paid." In the context of ACA §8-7-907 and Rules 12.306 and 12.307, it may be workable to "incur" the remediation costs before submitting a claim for reimbursement, but it is not consistent with that statute or those regulations, nor it is "workable" in practice, to require that the owner/operator first pay the costs as a condition of submitting a claim to the Fund.

As a practical matter, the requirement that owners and operators pay the remediation costs prior to claiming reimbursement from the Fund is beyond the capability of many of the independent owners/operators of gasoline stations in the State. That requirement would force many of such owners/operators to close or into bankruptcy, leaving only the major retail petroleum retail marketers who have the resources to bear such costs before making a claim for reimbursement. This discriminates against the independent owners/operators in favor of large, national companies who can bear costs of remediation without dependence on the UST Trust Fund.

In summary, Mena SS has three objections to the requirement of Rule 12.308 that the owner/operator's remediation costs must be paid before submitting claims for reimbursement to the Fund. Those objections are:

1. The requirement is contrary to Ark. Code Ann. §8-7-907. That statute explicitly states that the Trust Fund is to be treated as an insurance policy, and the owners/operators who are eligible for coverage only obligated to pay the \$7500 deductible in order to claim reimbursement for remediation costs;
2. The conditions and requirements for reimbursement from the Fund are contained in §8-7-907(c), and Commission Rule 12.308(C)(5) adds additional conditions and requirements not authorized by the statute.
3. The requirement that remediation costs be paid in full, even after proof of payment of the deductible, before reimbursement of such costs can be reviewed, approved and paid, is discriminatory against small, independent owners and operators and in favor of the large national owners/operators, and is a violation

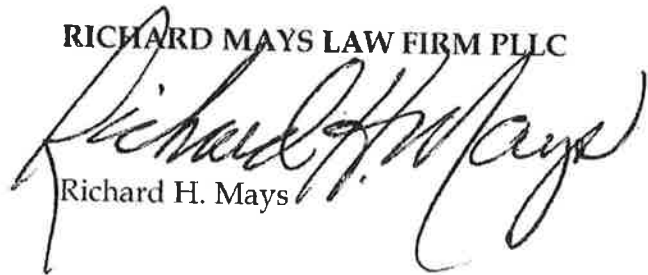
of the Equal Protection provisions of the United States and Arkansas Constitutions, as well as federal laws regulating interstate commerce.

There are ways of assuring that Trust funds are applied to the payment of invoices for remediation work other than to require payment of those invoices prior to the owner/operator submitting a claim for reimbursement.

On behalf of Mena Short Stop LLC and incidentally, many other independent owners/operators in the State of Arkansas, we ask that DEQ reconsider its refusal to consider the Reimbursement Application No. 1 submitted by Mena SS's consultant, EPC, as contained in your letter to Mena Short Stop dated February 21, 2023, and allow claims for reimbursement, supported by invoices from vendors for remediation work, but without proof of payment of those invoices.

Respectfully submitted,

RICHARD MAYS LAW FIRM PLLC



Richard H. Mays

RHM/nj

Enc: EPC/Mena SS Application for Reimbursement
Check of Mena SS

cc: Lisa Thompson, Esq. (DEQ)
Mrs. Saraswati Bhandari
Mr. David Diehl, P.E.

EXHIBIT 6



ARKANSAS

ENERGY & ENVIRONMENT

May 31, 2023

Ms. Sara Bhandari
Mena Short Stop, LLC
24179 Dalmilla Drive
Wister, OK 74966

Re: Reimbursement Application #1; 2nd request for Proof of Payment
Mena Short Stop
420 Highway 71 South
Mena, AR 71953
ID #57000053 LUST #57-0032 AFIN 57-00350

Dear Ms. Bhandari:

The Division of Environmental Quality (DEQ) requested proof of payment for costs included in Reimbursement Application (RA) #1 in a letter to you dated February 21, 2023. The Division received a letter dated March 24, 2023, submitted by Richard Mays on your behalf requesting that DEQ reconsider its request for proof of payment.

When applying for reimbursement of corrective action costs, pursuant to Rule 12.308(5), evidence that the amounts shown on the invoices for which reimbursement is requested have been paid in full by the applicant must be provided.

Without documented proof of payment for each invoice included in this application, we are unable to complete the review of RA#1. Pursuant to PC&EC Rule 12.308(5), DEQ is requesting a copy of canceled checks (front and back) from you and your consultant, or business receipts from vendors for whom a check was not the form of payment, confirming receipt and date of payment for each invoice.





ARKANSAS

ENERGY & ENVIRONMENT

Please send documentation of payment for each vendor invoice listed below:

Date	Invoice #	Vendor	Amount
5/24/22	K22MAY251	Arkansas Analytical	\$180.00
6/3/22	K22JUN47	Arkansas Analytical	\$205.00
5/11/22	315335	Waste Water Specialties	\$4,320.00
5/5/22	EPC050522D	New Gen Resources, Inc.	\$3,500.00
5/11/22	315335	Waste Water Specialties	\$24,805.61
5/9/22	EPC050922D	New Gen Resources, Inc.	\$8,400.00
5/19/22	316780	Waste Water Specialties	\$594.00
5/31/22	531202201	B&W Advanced Electric	\$5,134.00
5/25/22	318411	Waste Water Specialties	\$1,014.75
5/26/22	MSS-001	EPC, Inc.	\$69,829.50
5/27/22	MSS-002	EPC, Inc.	\$25,291.76

Further review of this Reimbursement Application will remain pending until evidence of payment for all invoices listed above has been provided to me as requested.

If you have any questions or need additional information, please do not hesitate to contact me at 501-682-0632 or jacqueline.trotta@adeq.state.ar.us.

Sincerely,

Jacqueline Trotta
Trust Fund Administrator, Office of Land Resources
Division of Environmental Quality, 5301 Northshore Drive, North Little Rock, AR 72118

cc: David Frazier, Office of Land Resources, DEQ
Lisa Thompson, Senior Attorney, Office of Chief Counsel, ADEE
Richard H. Mays, Richard Mays Law Firm, PLLC
David Diehl, EPC

EXHIBIT 7



ARKANSAS
ENERGY & ENVIRONMENT

Sarah Huckabee Sanders
GOVERNOR
Shane E. Khoury
SECRETARY

May 31, 2023

Mr. Richard H. Mays
Richard May Law Firm PLLC
2226 Cottdale Lane, Suite 210
Little Rock, AR 72202
rmay@richmayslaw.com

Re: Reimbursement Application No. 1
Mena Short Stop
420 Highway 71 South
Mena, AR 71653
ID #57000053; LUST #57-0032; and AFIN #57-00350

Dear Mr. Mays:

I have reviewed the March 24, 2023 letter that you addressed to Ms. Jacqueline Trotta, who administers the Petroleum Storage Tank Trust Fund (PSTTF). Please see Ms. Trotta's letter that I have enclosed. DEQ disagrees with your interpretation of the PSTTF. The PSTTF is a reimbursement mechanism for responsible parties that are eligible for trust fund coverage. Pursuant to APC&EC Rule 12.308 (C)(5) and (6) application for reimbursements shall contain "evidence that the amounts shown on the invoices for which reimbursement is requested have been paid in full by the applicant." A copy of any of the following must be accompanied with the reimbursement application: business receipts, indicating all payments received; canceled checks; a certification of a certified public accountant that the costs for which reimbursement is requested have been paid in full; or an affidavit signed by the person who performed the corrective action, affirming what amounts the applicant represents as being paid to that person have been paid in full. And, DEQ may reasonably require the responsible party to submit other information.



Please have your client provide the documentation requested by Ms. Trotta, or further review of your client's reimbursement application shall remain pending.

Sincerely,



Lisa M. Thompson
Senior Attorney
Arkansas Department of Energy & Environment
Division of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118
501-682-0030
Lisa.M.Thompson@adeq.state.ar.us

/lt