



**Walter Wright, Jr.**  
wwright@mwlaw.com  
(501) 688.8839

# Arkansas State Plant Board/Arkansas Bureau of Standards: Arkansas Oil Marketers Association Notes New Development Associated With Stop Use/Stop Sale Violations/Enforcement

## Arkansas Environmental, Energy, and Water Law Blog

03/10/2016

The Arkansas Oil Marketers Association ("AOMA") publication *Breaking News* (March 9) states that the Arkansas State Plant Board ("Board") has instructed the Arkansas Bureau of Standards ("Bureau") to:

... impose civil penalties beginning with 2<sup>nd</sup> violation of any Stop Use/Stop Sale violation that has occurred at a location in the last three years.

AOMA notes that the Bureau has always possessed such authority through its Enforcement Response Regulation but had not utilized it.

Arkansas retail motor fuel facilities fuel dispensing apparatus must meet various standards enforced by the Bureau.

The Bureau is a component of the Board whose authority includes the establishment of measurement, packaging, quality and advertising requirements to provide a system of weights and measures to ensure that equity and fairness prevail in all commercial transactions within the marketplace. The Bureau states that it endeavors to provide a fair and consistent mechanism by which compliance with the Arkansas Uniform Weights and Measures Law, the Engine Fuels and Lubricants Law, and other laws can be achieved.

Stop Use/Stop Sale is described in the enforcement action section of the Bureau's Enforcement Response Regulation as:

The stop-use or stop-sale of a non-compliant commodity or commercial device will remain in effect until violation is corrected. A release from a stop-sale or stop-use order will be awarded only after final deposition has been agreed upon by the Director of the Arkansas Bureau of Standards.

AOMA notes in explaining this enforcement development that:

**All Stop Use/Stop Sale violations from 2014 and 2015 will be included in calculating the number of any new violations in 2016.** For example, if a location received a Stop Use/Stop Sale letter for a 2014 violation, no violations in 2015, but receives a Stop Use/Stop Sale violation in 2016, that would be the 2<sup>nd</sup> offense for that location and would include a civil penalty. The Bureau of Standards will not issue civil violations retroactively; for example if a location had a violation in 2014 and a 2<sup>nd</sup> violation in 2015, no

action will be taken. The civil penalty for 2<sup>nd</sup> violations is \$400 to \$1200; 3<sup>rd</sup> violation civil penalties can range from \$700 to \$2000. (The civil penalty range for most petroleum-related violations are \$400-\$600 for 2<sup>nd</sup> offense and \$700-\$1000 for the 3<sup>rd</sup> offense.) Stop Use/Stop Sale violations will be calculated for each location on a rolling three year basis.

[Click here to download a copy of the Bureau's Enforcement Response Regulation.](#)