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Underground Storage Tank Enforcement /Closure: Arkansas Department of Environmental Quality Issues Notice of Violation to Garland County, Arkansas (Star Stop) for Alleged Violations

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The Arkansas Department of Environmental Quality ("ADEQ") issued a Notice of Violation ("NOV") to Edward Motor Company, Inc., ("EMC") for alleged violations of the underground storage tank regulations (Arkansas Pollution Control & Ecology Commission Regulation 12). See LIS 16-040.

EMC is stated to own two underground storage tanks ("USTs") that are located on Grand Avenue in Hot Springs, Arkansas ("the site").

The NOV states that an ADEQ inspector received a telephone complaint that a UST closure was being undertaken at the site by an individual who was "unlicensed" by ADEQ to close UST systems. An ADEQ inspector is stated to have confirmed a tank closure was in progress.

EMC's owner is stated to have informed the ADEQ inspector that he had hired an individual to conduct the UST closure at the site. The referenced individual informed the inspector that a different person had been hired to close the USTs.

ADEQ is stated to have determined that neither individual was licensed by the agency to close UST systems in the State of Arkansas, allegedly violating Arkansas Pollution Control & Ecology Commission Regulation 12.504 (A)(1). This regulatory provision requires that a person closing a UST is, or employs, an individual licensed by the agency to perform such work.

The NOV also alleges that EMC did not provide a 30-day notice of closure, violating 40.C.F.R. § 280.71, as incorporated by the Arkansas Pollution Control & Ecology Commission Regulation 12.14 (A)(1). These provisions require that owners/operators provide 30-day notice of closure to the agency of their intent to permanently close the UST.

ADEQ records are also stated to have written correspondence between EMC and the agency occurring during August, 2013, which "revealed Respondent was informed by the Department Inspector that statutory and regulatory procedures require a contractor licensed by the Department to close the UST system, and Department must receive a thirty (30) day notice of closure".

The NOV proposes a civil penalty assessment of \$15,850. Further, the proposed corrective action would require that EMC comply with Arkansas Pollution Control & Ecology Commission Regulation 12.504 (1) wherein a contractor would be hired that is licensed by ADEQ to perform proper closure sampling and submit a closure excavation assessment in accordance with C.F.R. § 280.72. In addition, EMC would provide notice of scheduled closure sampling to ADEQ prior to the sampling being performed with the assessment being provided to the agency within 30 days of the effective date of the final order.

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