



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

Solid Waste Enforcement: Arkansas Department of Environmental Quality and Stephens, Arkansas Paper Recycling and Processing Facility Enter into Consent Administrative Order

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The Arkansas Department of Environmental Quality ("ADEQ") and Stephens Paper Company, LLC ("Stephens") entered into an August 22nd Consent Administrator Order ("CAO") addressing alleged violations of Arkansas Pollution Control and Ecology Commission Regulation No. 22 (Arkansas Solid Waste Management Code). See LIS No. 19-073.

The CAO provides that Stephens operates a paper recycling and processing facility in Stephens, Arkansas.

ADEQ is stated to have conducted an investigation on January 7th at the Stephens facility. The investigation allegedly identified violations which include:

- An unpermitted solid waste disposal site constructed at the facility (Stephens is stated to have explained that plastic waste generated by processing recycled paper had been buried on site and identified a disposal area measuring approximately 150 x 150 feet where plastic waste had been buried.) This determination is allegedly a violation of Regulation 22.1502(a).
- ADEQ personnel are stated to have been shown by Stephens that it was using the unpermitted disposal site at the facility. This alleged action violated Regulation No. 22.1502(b).
- ADEQ is stated to have observed disposed waste, including waste located in and near standing water. This is alleged to violation Regulation No. 22.1502(d)(1) and constitute disposal of solid waste in a manner likely to create a public nuisance, health hazard, or likely to cause water or air pollution, violating Ark. Code Ann. § 8-6-205(a)(5) .

The CAO requires Stephens to immediately cease allegedly unpermitted disposal of solid waste. Further, the company must within 60 days of the effective date of the CAO submit to ADEQ for review and approval a comprehensive report detailing the actions taken to excavate all improperly disposed of solid waste cited in the relevant paragraph of the Findings of Fact.

The report is required to include the methods and practices taken to remove the waste, photographic evidence of disposal, and written records from a permitted facility showing that the waste was properly disposed.

A civil penalty of \$16,800 is assessed, which could have been reduced to \$8,400 if the CAO was signed and returned to ADEQ within 20 days of receipt of the document.

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