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Hazardous Waste Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and Pulaski County Wastewater Treatment Chemicals Blender/Distributor Enter into Consent Administrative Order

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The Arkansas Department of Energy and Environment - Division of Environmental Quality ("DEQ") and Ecotech Enterprises, Inc. ("EEI") entered into a September 15th Consent Administrative Order ("CAO") addressing alleged violations of Arkansas Pollution Control and Ecology Commission ("APC&EC") Regulation No. 23 (Hazardous Waste Regulations). See LIS No. 21-091.

EEI is stated to blend, package, manufacture and distribute wastewater treatment chemicals and products for use in industrial and municipal potable water and wastewater treatment facilities at a facility in Pulaski County, Arkansas.

DEQ conducted a Complaint Investigation at the EEI facility on July 18, 2018.

The CAO provides that DEQ noted several containers of waste that could not be identified by facility personnel. Further, wastewaters generated at the facility were stated to be collected in a 2,870-gallon Equalization Tank ("EQ Tank"), then pumped into 275-gallon containers and transported to a POTW for disposal. The wastewater was stated to not be analyzed prior to shipment off-site.

DEQ is stated to have conducted an unannounced sampling event in conjunction with a Compliance Evaluation Inspection ("CEI") on August 29, 2018, to document potential unidentified hazardous waste streams.

The CAO provides that based on the findings of the August 29, 2018, CEI, the following APC&EC alleged violations were identified:

- Failure to make waste determinations on waste streams located through the facility
- Failure to make a hazardous waste determination on a referenced waste stream
- Failure to use manifests in certain instances
- Failure to obtain an EPA identification number prior to transporting hazardous waste
- Failure to properly label or mark containers and tanks

- Failure to mark containers with an accumulation start date
- Failure to keep a container closed while in storage
- Failure to provide required Hazardous Waste training
- Failure to maintain aisle space
- Failure to attempt to make arrangements with police, emergency response teams, state emergency response teams, emergency response contractors, equipment suppliers at a local hospital
- Failure to have agreements with state emergency response teams, emergency response contractors, or equipment suppliers based on the potential need for services as appropriate for the type of waste handled at the facility
- Failure to make arrangements to familiarize the local hospital with the properties of hazardous waste handled at the facility
- Failure to develop information documenting how the facility will minimize hazards to human health and the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste
- Failure to transfer hazardous waste from a container that is not in good condition to one that is in good condition
- Failure to store a container in a manner that prevents it from leaking
- Failure to obtain a written certification from an independent qualified, Arkansas-registered Professional Engineer that the design and installation of a new tank system, and its components, are structurally sufficient and acceptable for storing and treating hazardous waste
- Failure to obtain a written assessment, reviewed and certified by and Arkansas-registered Professional Engineer
- Failure to inspect tank systems daily
- Failure to obtain a permit to transfer hazardous waste

EEl's consultant submitted a response to the CEI report indicating the company's intent to implement operational changes to eliminate the generation of hazardous waste or at a minimum be a small quantity generator. The CAO provides that the response did not adequately address the violations.

EEl subsequently met with DEQ to discuss changes that had been made at the facility to eliminate the generation of hazardous waste. Additional submittals containing documentation indicating all violations in the CEI report had been corrected were submitted.

A civil penalty of \$5,381 is assessed.

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