



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

Hazardous Waste Enforcement: Arkansas Department of Energy & Environment - Division of Environmental Quality and Pine Bluff Manufacturing Facility Enter into Consent Administrative Order

10/12/2022

The Arkansas Department of Energy & Environment - Division of Environmental Quality ("DEQ") and AGROdeviate, LLC, ("AGROdeviate") entered into a September 29th Consent Administrative Order ("CAO") addressing alleged violations of the Arkansas Hazardous Waste Regulations (Arkansas Pollution Control and Ecology Commission Rule 23). See LIS No. 22-100.

The CAO provides that AGROdeviate operates a manufacturing facility ("Facility") in Pine Bluff, Arkansas.

W&A Manufacturing Company, Inc., is stated to have been purchased by AGROdeviate.

The Facility is stated to produce tractor implements for row crop agriculture. Further, the CAO describes the Facility as importing steel bar stock:

... which is band sawed, drilled, and welded in the manufacturing of components.

Such components are stated to then be spray painted in the Facility's paint booth before final product assembly.

AGROdeviate is stated to have submitted its Annual Report on April 26, 2021 and reported 250 pounds of hazardous waste generated for the 2020 calendar year. It is further stated that AGROdeviate notified as a Small Quantity Generator ("SQG").

DEQ is stated to have conducted a Compliance Evaluation Inspection ("CEI") based on a complaint that alleged the Facility was storing approximately seventy-five (75) 55-gallon containers of possible hazardous waste.

The CEI is stated to have revealed approximately 16,887 pounds of hazardous waste on-site. Such amount of hazardous waste on-site is stated to have meant the Facility was a Large Quantity Generator ("LQG") of hazardous waste.

DEQ is stated to have determined the following violations of Arkansas Pollution Control and Ecology Commission Rule 23 during the September 7 and 22, 2021, CEI investigations:

- Container not marked or labeled with the words “Hazardous Waste”
- Container not marked or labeled with the hazards of the contents
- Containers observed in the Central Accumulation Area (“CAA”) contained hazardous waste paint booth filters and hazardous waste paint booth surface covers
- CAA #2 is stated to have held eighty-six (86) 55-gallon containers and one 30-gallon container
- None of the eighty-nine (89) CAA containers are stated to have been marked or labeled with the words “Hazardous Waste”
- None of the eighty-nine (89) CAA containers are stated to have been marked or labeled with an indication of the hazard of the contents
- None of the eighty-nine (89) CAA containers are stated to have been marked or labeled with an accumulation start date
- Failure to locate CAA containers holding ignitable waste at least 15 meters from the Facility’s property line
- Observation of fourteen (14) 55-gallon containers in CAA #3 which contained unidentified powdery debris, therefore failing to make an accurate waste determination for solid waste
- Failure to make weekly inspections of the three CAAs for leaking containers and deterioration of containers caused by corrosion or other factors
- Exceedance of the 90-day accumulation limit for LQGs

DEQ is stated to have held a meeting with AGROdeviate. AGROdeviate agreed to properly dispose of all hazardous waste observed in the CEI as soon as possible.

The CAO requires that within 30 days of the effective date of the CAO AGROdeviate shall submit documentation demonstrating that all satellite accumulation area containers and all containers located in the CAAs, as documented at the time of the CEI, have been marked or labeled with the words “Hazardous Waste”; an indication of the hazards of the contents; and the date upon which each period of accumulation begins. Further, if any of the containers have been shipped off-site for disposal, AGROdeviate shall submit a manifest documenting the shipment.

The CAO also requires that within 30 days of the effective date of the CAO that AGROdeviate shall submit documentation demonstrating that all CAA containers holding ignitable waste are located at least 15 meters from the Facility’s property line. Further, within 30 days of the effective date of the CAO, AGROdeviate shall submit documentation demonstrating that the content within the fourteen (14) solid waste containers, which were observed in CAA #3 at the time of the CEI, have been properly identified.

Finally, within 30 calendar days of the effective date of the CAO, AGROdeviate shall submit documentation demonstrating that all wastes accumulated for greater than 90 days have been shipped off-site for proper treatment, storage, or disposal.

A civil penalty of \$5,500 is assessed.

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