Hazardous Waste Enforcement: Arkansas Department of Energy & Environment - Division of Environmental Quality and Magnolia Fuel Cell/Coated Fabric Product Manufacturing Facility Enter into Consent Administrative Order



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The Arkansas Department of Energy & Environment – Division of Environmental Quality ("DEQ") and LB Amfuel Real Estate, LLC ("Amfuel") entered into a June 17th Consent Administrative Order ("CAO") addressing alleged violations of the Arkansas Hazardous Waste Regulations. See LIS No. 24-103.

The CAO provides that Amfuel operates a fuel cell and coated fabric product manufacturing plant ("Facility") in Magnolia, Arkansas.

The Facility is stated to produce a variety of fuel cells for the aerospace industry. It also is stated to produce rubberized coated fabrics and large bladders for storage of liquids.

The Facility is stated to be a Large Quantity Generator of hazardous waste .

DEQ is stated to have conducted a Compliance Evaluation Inspection ("CEI") at the Facility on March 1, 2023. Such inspection is stated to have identified the following alleged violations:

- Failure to mark or label containers with an accumulation start date.
- Failure to mark or label containers with the words "Hazardous Waste."
- Accumulated hazardous waste for greater than 90 days.
- Failed to keep a container holding hazardous waste closed during accumulation.
- Failure to list the hazards of the contents on the label.
- Failure to conduct weekly inspections.
- Failure to train employees.
- Failure to maintain certain documentation.

Amfuel is stated to have subsequently submitted documentation that 38 unlabeled or overdue containers had been transported off-site. The documentation included photos of the roll-off containers with an attached hazardous waste label, date, and indication of hazards. Further, Amfuel submitted

documentation indicating hazardous waste storage areas were being checked weekly and all employees had been properly trained.

A civil penalty of $15,500 was assessed which could have been reduced by one-half if the CAO was signed and returned to DEQ with 20 calendar days of its receipt.

A copy of the CAO can be downloaded here.