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Storage Tank Enforcement: Arkansas Department of Environmental Quality and Johnston County, Arkansas Individual Enter Into Consent Administrative Order Addressing Alleged Violation

Arkansas Environmental, Energy, and Water Law Blog

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The Arkansas Department of Environmental Quality ("ADEQ") and Van A. Hill ("Hill") entered into an October 7th Consent Administrative Order ("CAO") addressing alleged violation. See LIS 15-095.

The CAO states that Hill purchased land and property located at Knoxville Market & Gas ("the Site") in Knoxville, Arkansas in 2014.

The Site is stated to have included one underground storage tank ("UST"). It is further stated that on September 29, 2014 ADEQ determined that Hill had acquired ownership of the property.

The CAO further notes in regards to the UST:

- A review of the ADEQ records reveal that Respondent failed to register the tank after acquiring ownership of the property. Failure to register the tank is a violation of APC&EC Reg. 12.201.

The CAO alleges that Hill informed an ADEQ inspector that he removed the UST from the property.

Two violations are alleged by the CAO:

- A review of Department records indicates that Respondent is not licensed by the Department to close UST systems in the State of Arkansas. It is in violation of APC&EC Regulation 12.540(A)(1) for a person to close a UST unless the person is, or employs, an individual licensed by the Department to perform such work.
- A review of the Department records reveal that Respondent did not provide a thirty (30) day notice of closure for the UST. It is a violation of 40 C.F.R. § 280.71, as incorporated by APC&EC Reg. 12.104(A)(1), for owners/operators to fail to provide a thirty (30) day notice of closure to the Department if their intent to permanently close a UST.

Hill agrees to a civil penalty of \$1,750.00.

In addition, Hill is required to hire an ADEQ licensed contractor to:

... conduct a proper closure, perform proper closure sampling and submit a closure excavation assessment in accordance with 40 C.F.R. § 280.72. The Respondent will also provide notice of scheduled closure sampling to ADEQ prior to the sampling being performed. The closure assessment must be provided to ADEQ within (thirty) 30 days of the effective date of the CAO.

[Click here to download a copy of the CAO.](#)