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Air Enforcement: Arkansas Department of Environmental Quality and Crittenden County, Arkansas Gasoline Service Station Enter into Consent Administrative Order Addressing Alleged Violations

Arkansas Environmental, Energy, and Water Law Blog

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The Arkansas Department of Environmental Quality ("ADEQ") and the Fadel Cooperation ("TFC") entered into a May 13 Consent Administrative Order ("CAO") addressing alleged air violations (Arkansas Pollution Control and Ecology Commission Regulation No. 19). See LIS No. 16-041.

FDC is stated to own and operate a gasoline service station ("Station") in West Memphis, Arkansas.

The CAO states that the station has three registered underground storage tanks ("USTs") in use.

Regulation No. 19 contains requirements that apply to gasoline storage tanks at facilities in Crittenden County. These requirements include mandates that are imposed when gasoline is transferred from a delivery vessel into any stationary storage tank. The requirements also include the maintenance of certain records and provisions for requirements applicable to vapor control systems.

The CAO states that during an inspection TFC:

...failed to have pressure release valves installed on the vent lines for three (3) stationary storage tanks. Such failures violate APC&EC Reg. 1305(A), Regulation 19.1308(E) and therefore violate Ark. Code Ann. § 8-4-217(a)(3) as referenced by Ark. Code Ann. § 8-4-304.

ADEQ is also stated to have reviewed records that indicated TFC failed to perform annual testing for three stationary storage tanks violating certain provisions of Regulation 19, Ark. Code Ann. § 8-4-217(a)(3) as referenced by Ark. Code Ann. § 8-4-304. The CAO states the agency informed TFC of the areas of concern identified in the inspection, providing the company with an opportunity to review the violations and submit information it deemed appropriate regarding the compliance measures.

An ADEQ inspector is stated to have confirmed that TFC:

- Installed the pressure relief valves on the vent lines for the three stationary storage tanks
- Performed annual testing for three stationary storage tanks
- Successfully passed the annual testing for the three stationary storage tanks

- Submitted the November 2015 monthly reports stating the pressure valve release valves were installed on the vent lines of the three stationary storage tanks

The CAO provides that TFC neither admits nor denies the factual and legal allegations contained in the CAO.

The CAO assesses a civil penalty of \$3,200, or one-half of the penalty (\$1,600) if the CAO is signed and returned to ADEQ by May 11th.

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