

**ARKANSAS DEPARTMENT OF ENERGY AND ENVIRONMENT,  
DIVISION OF ENVIRONMENTAL QUALITY**

**IN THE MATTER OF:**

**DONALD PATTERSON  
519 E. REDBARN RD.  
CAVE CITY, AR 72521**

**AFIN  
33-00170  
33-00151  
32-00271  
LIS 19-027**

**DEFAULT ADMINISTRATIVE ORDER**

This Default Administrative Order (DAO) is issued by the Director of the Division of Environmental Quality<sup>1</sup> (DEQ) pursuant to the Arkansas Water and Air Pollution Control Act, Ark. Code Ann. § 8-4-101 *et seq.*, and the laws regarding storage tanks for regulated substances Ark. Code Ann. § 8-7-801 *et seq.* and in accordance with the regulations promulgated thereunder, including Arkansas Pollution Control and Ecology Commission (APC&EC) Regulation 8.

**FINDINGS OF FACT**

1. Respondent owns underground storage tanks in three different locations (Sites) as described below and has committed the following violations of Arkansas Pollution Control and Ecology Commission (APC&EC) Regulation No. 12 as recited herein.

**Site 1- Facility ID # 33001507: Melbourne Super Stop Service Station, AFIN: 33-00170**

2. Respondent is the owner of two (2) underground storage tanks (USTs) located at Melbourne Super Stop Service Station, HWY 9 N, Melbourne, IZARD County, Arkansas (Site 1).

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<sup>1</sup> Pursuant to Act 910 of 2019, the Arkansas Transformation and Efficiencies Act, the former Arkansas Department of Environmental Quality is now the Division of Environmental Quality in the newly created Arkansas Department of Energy and Environment.

3. On September 6, 2017, an DEQ inspector conducted a UST compliance inspection of Site 1. This inspection confirmed there were two (2) USTs at Site 1 owned by Respondent. During this inspection, the following violations were noted:

- a. The DEQ inspector requested documentation of current three-year corrosion-protection testing and recertification for the USTs. Respondent failed to provide the requested documentation. Failure to test the corrosion protection system every three (3) years is a violation of 40 C.F.R. § 280.31(b)(1).
- b. The DEQ inspector requested documentation of monthly release detection records for the USTs. Respondent failed to provide DEQ with the requested documentation. Failure to monitor USTs for releases at least every thirty (30) days is a violation of 40 C.F.R. § 280.41(a).
- c. Failure to pay annual registration fees for the USTs. This act is a violation of APC&EC Reg. 12.203. Respondent has failed to pay the 2016, 2017, and 2018 annual registration fees for the USTs, located at Site 1. DEQ mailed late fee letters to Respondent on August 15, 2016, July 5, 2017, and July 11, 2018, for non-payment of the respective annual registration fees. The outstanding balance due for the fees is Four Hundred Eighty Dollars (\$480.00).

4. During this inspection, the DEQ inspector also noted that Unleaded Tank #1 contained one-half (½) inch of product. The two-compartmental Diesel Tank #2 contained four (4) inches of product in compartment (a), and contained five (5) inches of product compartment (b) .

5. At the conclusion of the compliance inspection, the DEQ inspector provided Respondent with a copy of the inspection report and gave Respondent a deadline of September 21, 2017 to correct the noted violations.

6. On September 25, 2017, the DEQ inspector conducted a follow-up inspection of Site 1. During this follow-up inspection, the DEQ inspector noted that the violations from the

September 6, 2017 UST compliance inspection, listed above in paragraph 3, had not been corrected. At the conclusion of this follow-up inspection, the DEQ inspector red-tagged the USTs with tags #0203, #0209, and #0211, in accordance with APC&EC Reg. 12.110(G). Red-tagging the USTs is when a DEQ inspector affixes tamper proof red tags to USTs that have been identified by DEQ as ineligible for fuel delivery, or out of compliance, to prevent the delivery of regulated substances into the UST.

7. DEQ mailed a letter dated October 20, 2017 to Respondent citing violations identified during the September 6, 2017 compliance inspection and the September 25, 2017 follow-up inspection. This letter also informed Respondent that the 2016 and 2017 annual tank- registration fees had not been paid and requested documentation by November 6, 2017, indicating the violations had been corrected or were scheduled for correction. Respondent did not provide DEQ a response by the November 6, 2017 deadline.

8. On January 2, 2018, DEQ contacted Respondent by phone concerning the violations noted during the compliance inspection on September 6, 2017. DEQ mailed a certified letter, #91 7199 9991 7030 4789 0459, dated January 5, 2018 to Respondent as a follow up to the January 2, 2018 telephone conversation. This certified letter was delivered and left with the Respondent on January 10, 2018. This letter informed Respondent that documentation indicating the violations have been corrected, or are scheduled for correction, must be submitted to DEQ by February 5, 2018. Respondent did not provide DEQ with documentation to show that the violations had been corrected by the February 5, 2018 deadline.

**Site 2 --Facility ID # 33000022: Oxford Super Stop, AFIN: 33-00151**

9. Respondent is the owner of two (2) USTs located at Oxford Super Stop, 22 North First Street, Oxford, Izard County, Arkansas (Site 2).

10. On August 9, 2017, a DEQ inspector conducted a UST compliance inspection of Site 2. This inspection confirmed there were two (2) USTs at Site 2 owned by Respondent. During this inspection, the following violations were noted:

- a. The DEQ inspector requested documentation of current three-year corrosion-protection testing and recertification for the USTs. Respondent failed to provide the requested documentation for Unleaded Tank #1. Failure to recertify the corrosion-protection system every three (3) years is a violation of 40 C.F.R. § 280.31(b)(1).
- b. Failure to pay annual registration fees for the USTs. This act is a violation of APC&EC Reg. 12.203. Respondent has failed to pay the 2016, 2017, and 2018 annual registration fees for the USTs located at Site 2. DEQ mailed late fee letters to Respondent on August 15, 2016, July 5, 2017, and July 11, 2018, for non-payment of the respective annual registration fees. The outstanding balance due for tank fees is Four Hundred Eighty Dollars (\$480.00).

11. At the conclusion of the compliance inspection, the DEQ inspector provided Respondent with a copy of the compliance inspection report and gave Respondent a deadline of September 9, 2017 to correct the noted violations.

12. On February 13, 2018, the DEQ inspector conducted a follow-up inspection of Site 2. During this follow-up inspection, the DEQ inspector noted that Respondent has failed to correct the violations listed above in paragraph 10.

**Site 3 -- Facility ID # 32000131: Cushman's Super Stop, AFIN: 32-00271**

13. Respondent was the previous owner of three (3) USTs located at Cushman's Super Stop, 5315 North Central Avenue, Batesville, Independence County, Arkansas (Site 3).

14. On December 31, 2015, a DEQ inspector conducted a UST Compliance Inspection of Site 3. This inspection confirmed there were three (3) USTs at the Site owned by Respondent.

During this inspection, the following violations were noted:

- a. Failure to provide documentation of current three-year corrosion-protection recertification for the USTs. Failure to recertify the corrosion-protection system every three (3) years is a violation of 40 C.F.R. § 280.31(b)(1).
- b. Failure to perform release detection. Failure to monitor USTs for releases at least every thirty (30) days is a violation of 40 C.F.R. § 280.41(a).
- c. Failure to pay annual registration fees for the USTs. This act is a violation of APC&EC Reg. 12.203. Respondent has failed to pay the 2014, 2015, 2016, and 2017 annual registration fees for the USTs located at Site 3. DEQ mailed late-fee letters to the Respondent on August 14, 2014, August 13, 2015, August 15, 2016, and July 5, 2017, for non-payment of the respective annual registration fees. The outstanding balance due for fees is Nine Hundred Sixty Dollars (\$960.00).

15. On October 26, 2016, a DEQ inspector conducted a follow-up inspection at Site 3. During the inspection the inspector noted that Tank #1 contained four (4) inches of product, Tank #2 contained four (4) inches of product, and Tank #3 contained six (6) inches of product. The DEQ inspector red-tagged the USTs with tags #1332, #1342, and #1333, in accordance with APC&EC Reg. 12.110(G)(2), and gave Respondent a deadline of November 26, 2016, to correct the noted violations.

16. On February 12, 2018, the DEQ inspector conducted a second follow-up inspection of Site 3. At the conclusion of this second follow-up inspection, the DEQ inspector noted that the violations listed above in paragraph 14 had not been corrected.

17. On April 4, 2019, a Notice of Violation (NOV) LIS 19-027 was issued by the Director of DEQ to Donald Patterson regarding the violations noted herein. A copy of the NOV is attached as Exhibit 1.

18. The NOV, along with a cover letter and APC&EC Regulation 8, were served via certified U.S. mail # 7017 2620 0001 0620 7601, receipt requested, restricted delivery on Respondent, signed by Donald Patterson, on or about April 6, 2019, pursuant to APC&EC Regulation 8 and Arkansas Rules of Civil Procedure 4. A copy of the DEQ cover letter for the NOV is attached as Exhibit 2. A copy of the green card evidencing receipt of the NOV by Respondent on April 6, 2019 is attached as Exhibit 3.

19. Pursuant to APC&EC Regulation No. 8, Respondent was required to file a written response to the NOV with the APC&EC Secretary within twenty (20) days of being served with the NOV. Respondent was informed of this requirement in the letter accompanying the NOV within the NOV itself and within the copy of the APC&EC Regulation No. 8 served via certified U.S. mail upon the Respondent.

21. Respondent failed to file a timely request for hearing necessary to preserve the right to contest the NOV's proposed findings of fact and the proposed corrective action and penalty. Because of Respondent's failure to file a request for hearing with the APC&EC Secretary, the allegations as set out in the NOV are deemed proven pursuant to APC&EC Reg. 8.402, and therefore the Director hereby issues this Default Administrative Order (DAO) pursuant to APC&EC Reg. 8.403.

### **ORDER**

1. Respondent shall perform the following corrective actions at Site 1:

- a. Within forty-five (45) calendar days of the effective date of this DAO, Respondent shall submit documentation to DEQ, for review and approval, indicating that the corrosion-protection system for the USTs located at Site 1 has been tested and recertified in accordance with 40 C.F.R. § 280.31 (b)(1).
  - b. Within forty-five (45) calendar days of the effective date of this DAO, Respondent shall submit documentation to DEQ indicating the methods used to detect releases for the USTs located at Site 1 in accordance with 40 C.F.R. § 280.41 (a).
  - c. Within forty-five (45) calendar days of the effective date of this DAO, Respondent shall pay the 2016, 2017, and 2018 UST annual registration fees and associated late fees, totaling Four Hundred Eighty Dollars (\$480.00). Payment of these tank fees and late fees shall specify the associated invoice numbers, TKS-133569 (2016 fees), TKS-138704 (2017 fees) and TKS-143686 (2018 fees) and shall be made payable to DEQ.
2. Respondent shall perform the following corrective actions at Site 2:
- a. Within forty-five (45) calendar days of the effective date of this DAO, Respondent shall submit documentation to DEQ, for review and approval, indicating that the corrosion-protection system for the USTs located at Site 2 has been tested and recertified in accordance with 40 C.F.R. § 280.31 (b)(1).
  - b. Within forty-five (45) calendar days of the effective date of this DAO, Respondent shall pay the 2016, 2017, and 2018 UST annual registration fees, totaling Four Hundred Eighty Dollars (\$480.00). Payment of these tank fees and late fees shall specify the associated invoice numbers, TKS-133568 (2016 fees),

TKS-138703 (2017 fees) and TKS-143685 (2018 fees) and shall be made payable to DEQ.

3. In regards to Site 3, within forty-five (45) calendar days of the effective date of this DAO, Respondent shall pay the 2014, 2015, 2016, and 2017 UST annual registration fees, and associated late fees, totaling Nine Hundred and Sixty Dollars (\$960.00). Payment of these tank fees and late fees shall specify the associated invoice numbers, TKS-123318 (2014 fees), TKS-128394 (2015 fees), TKS-133567 (2016 fees), and TKS-138702 (2017 fees) and shall be made payable to DEQ.

4. Respondent shall pay a civil penalty in the amount of **TEN THOUSAND FOUR HUNDRED SIXTY DOLLARS AND ZERO CENTS (\$10,460.00)** pursuant to Ark. Code Ann. §8-7-806 and Chapter Nine of APC&EC Regulation 12, and in accordance with the requirements of APC&EC Regulation 7.

5. Full payment of the civil penalty shall be made within thirty calendar (30) days of the effective date of this DAO and shall be made payable to the Division of Environmental Quality and mailed to the attention of the Fiscal Division, DEQ, 5301 Northshore Drive, North Little Rock, Arkansas 72118-5317.

6. All submittals of annual registration fees and late fees shall also be mailed to DEQ's Fiscal Division.

7. All other document submittals shall be mailed to the attention of Enforcement, Office of Land Resources, DEQ, 5301 Northshore Drive, North Little Rock, Arkansas 72118-5317.



8. Nothing contained in this DAO shall be construed as a waiver by DEQ of its enforcement authority over alleged violations not specifically addressed herein. Also, this DAO does not purport in any way to relieve Respondent of his responsibilities for obtaining any necessary licenses or permits; nor does it exonerate any past, present, or future conduct that is not expressly addressed herein.

SO ORDERED THIS 10th DAY OF October, 2019.

  
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**BECKY W. KEOGH**  
**DIRECTOR**  
**DIVISION OF ENVIRONMENTAL QUALITY**

ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:  
DONALD PATTERSON  
519 E. REDBARD RD.  
CAVE CITY, AR 72521

AFIN  
33-00170  
33-00151  
32-00271

LIS 18-  
19-027

NOTICE OF VIOLATION

TO: MR. DONALD PATTERSON  
519 E. REDBARD RD.  
CAVE CITY, AR 72521

NOTICE is hereby given that the Director of the Arkansas Department of Environmental Quality (ADEQ or "Department") has determined that there are reasonable grounds to believe that Donald Patterson, ("Respondent"), has committed the following violations of the Arkansas Pollution Control and Ecology Commission (APC&EC or "Commission") Regulation 12: Storage Tanks. (All Code of Federal Regulations [C.F.R.] references contained herein are incorporated by reference in APC&EC Reg.12.104.) This Notice of Violation (NOV) is issued pursuant to the authority of Ark. Code Ann. § 8-7-801 *et seq.* and in accordance with the requirements of APC&EC Regulation 7 and APC&EC Regulation 8.

PROPOSED FINDINGS OF FACT

Site 1- Facility ID # 33001507: Melbourne Super Stop Service Station, AFIN: 33-00170

1. Respondent is the owner of two (2) underground storage tanks (USTs) located at Melbourne Super Stop Service Station, HWY 9 N, Melbourne, IZARD County, Arkansas ("Site 1").



2. On September 6, 2017, an ADEQ inspector conducted a UST compliance inspection of Site 1. This inspection confirmed there were two (2) USTs at Site 1 owned by Respondent. During this inspection, the following violations were noted:
  - a. The ADEQ inspector requested documentation of current three-year corrosion protection testing and recertification for the USTs. Respondent failed to provide the requested documentation. Failure to test the corrosion protection system every three (3) years is a violation of 40 C.F.R. § 280.31(b)(1).
  - b. The ADEQ inspector requested documentation of monthly release detection records for the USTs. Respondent failed to provide ADEQ with the requested documentation. Failure to monitor USTs for releases at least every thirty (30) days is a violation of 40 C.F.R. § 280.41(a).
  - c. Failure to pay annual registration fees for the USTs. This act is a violation of APC&EC Reg. 12.203. Respondent has failed to pay the 2016, 2017, and 2018 annual registration fees for the USTs, located at Site 1. ADEQ mailed late fee letters to Respondent on August 15, 2016, July 5, 2017, and July 11, 2018, for non-payment of the respective annual registration fees. The outstanding balance due for the fees is Four Hundred Eighty Dollars (\$480.00).
3. During this inspection, the ADEQ inspector also noted that Unleaded Tank #1 contained one-half (½) inch of product. The two-compartmental Diesel Tank #2, contained four (4) inches of product in compartment (a) and compartment (b) contained five (5) inches of product.
4. At the conclusion of the compliance inspection, the ADEQ inspector provided Respondent with a copy of the inspection report and gave Respondent a deadline of September 21, 2017 to correct the noted violations.

5. On September 25, 2017, the ADEQ inspector conducted a follow-up inspection of Site 1. During this follow-up inspection, the ADEQ inspector noted that the violations from the September 6, 2017 UST compliance inspection, listed above in paragraph 2, had not been corrected. At the conclusion of this follow-up inspection, the ADEQ inspector red-tagged the USTs with tags #0203, #0209, and #0211, in accordance with APC&EC Reg. 12.110(G).
6. ADEQ mailed a certified letter dated October 20, 2017 to Respondent citing violations identified during the September 6, 2017 compliance inspection and the September 25, 2017 follow-up inspection. This letter also informed Respondent that the 2016 and 2017 annual tank registration fees had not been paid and requested documentation by November 6, 2017, indicating the violations had been corrected or were scheduled for correction. Respondent did not provide ADEQ a response by the November 6, 2017 deadline.
7. On January 2, 2018, ADEQ contacted Respondent by phone concerning the violations noted during the compliance inspection on September 6, 2017. ADEQ mailed a certified letter dated January 5, 2018 to Respondent as a follow-up to the January 2, 2018 telephone conversation. This letter informed Respondent that documentation indicating the violations have been corrected, or are scheduled for correction, must be submitted to ADEQ by February 5, 2018. Respondent did not provide ADEQ with documentation to show that the violations had been corrected by the February 5, 2018 deadline.

**Site 2- Facility ID # 33000022: Oxford Super Stop, AFIN: 33-00151**

8. Respondent is the owner of two (2) USTs located at Oxford Super Stop, 22 North First Street, Oxford, Izard County, Arkansas ("Site 2").
9. On August 9, 2017, an ADEQ inspector conducted a UST compliance inspection of Site 2. This inspection confirmed there were two (2) USTs at Site 2 owned by Respondent. During this inspection, the following violations were noted:

- a. The ADEQ inspector requested documentation of current three-year corrosion protection testing and recertification for the USTs. Respondent failed to provide the requested documentation for Unleaded Tank #1. Failure to recertify the corrosion protection system every three (3) years is a violation of 40 C.F.R. § 280.31(b)(1).
  - b. Failure to pay annual registration fees for the USTs. This act is a violation of APC&EC Reg. 12.203. Respondent has failed to pay the 2016, 2017, and 2018 annual registration fees for the USTs located at Site 2. ADEQ mailed late fee letters to Respondent on August 15, 2016, July 5, 2017, and July 11, 2018, for non-payment of the respective annual registration fees. The outstanding balance due for tank fees is Four Hundred Eighty Dollars (\$480.00).
10. At the conclusion of the compliance inspection, the ADEQ inspector provided Respondent with a copy of the compliance inspection report and gave Respondent a deadline of September 9, 2017 to correct the noted violations.
  11. On February 13, 2018, the ADEQ inspector conducted a follow-up inspection of Site 2. During this follow-up inspection, the ADEQ inspector noted that Respondent has failed to correct the violations listed above in paragraph 9.

**Site 3- Facility ID # 32000131: Cushman's Super Stop, AFIN: 32-00271**

12. Respondent was the previous owner of three (3) USTs located at Cushman's Super Stop, 5315 North Central Avenue, Batesville, Independence County, Arkansas ("Site 3").
13. On Dec 31, 2015, an ADEQ inspector conducted a UST Compliance Inspection of Site 3. This inspection confirmed there were three (3) USTs at the Site owned by Respondent. During this inspection, the following violations were noted:
  - a. Failure to provide documentation of current three-year corrosion protection recertification for the USTs. Failure to recertify the corrosion protection system every three (3) years is a violation of 40 C.F.R. § 280.31(b)(1).

- b. Failure to perform release detection. Failure to monitor USTs for releases at least every thirty (30) days is a violation of 40 C.F.R. § 280.41(a).
  - c. Failure to pay annual registration fees for the USTs. This act is a violation of APC&EC Reg. 12.203. Respondent has failed to pay the 2014, 2015, 2016, and 2017 annual registration fees for the USTs located at Site 3. ADEQ mailed late fee letters to the Respondent on August 14, 2014, August 13, 2015, August 15, 2016, and July 5, 2017, for non-payment of the respective annual registration fees. The outstanding balance due for fees is Nine Hundred Sixty Dollars (\$960.00).
14. On October 26, 2016, an ADEQ inspector conducted a follow-up inspection at Site 3. During the inspection the inspector noted that Tank #1 contained four (4) inches of product, Tank #2 contained four (4) inches of product, and Tank #3 contained six (6) inches of product. The ADEQ inspector red-tagged the USTs with tags #1332, #1342, and #1333, in accordance with APC&EC Reg. 12.110(G)(2), and gave Respondent a deadline of November 26, 2016, to correct the noted violations.
15. On February 12, 2018, the ADEQ inspector conducted a second follow-up inspection of Site 3. At the conclusion of this second follow-up inspection, the ADEQ inspector noted that the violations listed above in paragraph 13 had not been corrected.

**PROPOSED CIVIL PENALTY ASSESSMENT**

- 1. For the violation hereinabove described in paragraph 2(a) of the proposed findings of fact, a civil penalty in the amount of One Thousand Eight Hundred Dollars (\$1,800.00) is proposed to be assessed against the Respondent.
- 2. For the violation hereinabove described in paragraph 2(b) of the proposed findings of fact, a civil penalty in the amount of One Thousand Six Hundred Dollars (\$1,600.00) is proposed to be assessed against the Respondent.

3. For the violation hereinabove described in paragraph 2(c) of the proposed findings of fact, a civil penalty in the amount of Four Hundred Fifty Dollars (450.00) is proposed to be assessed against the Respondent.
4. For the violation hereinabove described in paragraph 9(a) of the proposed findings of fact, a civil penalty in the amount of One Thousand Eight Hundred Dollars (\$1,800.00) is proposed to be assessed against the Respondent.
5. For the violation hereinabove described in paragraph 9(b) of the proposed findings of fact, a civil penalty in the amount of Four Hundred Fifty Dollars (450.00) is proposed to be assessed against the Respondent.
6. For the violation hereinabove described in paragraph 13(a) of the proposed findings of fact, a civil penalty in the amount of One Thousand Eight Hundred Dollars (\$1,800.00) is proposed to be assessed against the Respondent.
7. For the violation hereinabove described in paragraph 13(b) of the proposed findings of fact, a civil penalty in the amount of One Thousand Six Hundred Dollars (\$1,600.00) is proposed to be assessed against the Respondent.
8. For the violation hereinabove described in paragraph 13(c) of the proposed findings of fact, a civil penalty in the amount of Nine Hundred Sixty Dollars (960.00) is proposed to be assessed against the Respondent.
9. For all the violations hereinabove described, Respondent shall pay a civil penalty in the total amount of **TEN THOUSAND FOUR HUNDRED SIXTY DOLLARS (\$10,460.00)** as provided by Ark. Code Ann. § 8-7-806 and Chapter Nine of APC&EC Regulation 12.
10. Within thirty (30) calendar days of the effective date of the Final Order, the proposed civil penalty in the amount of Ten Thousand Four Hundred Sixty Dollars (\$10,460.00) shall be due and made payable to the Arkansas Department of Environmental Quality, and mailed to the

attention of the Fiscal Division, Arkansas Department of Environmental Quality, 5301 Northshore Drive, North Little Rock, Arkansas 72118-5317.

**PROPOSED CORRECTIVE ACTION**

1. **Site 1- Facility ID # 33001507: Melbourne Super Stop Service Station, AFIN: 33-00170**
  - a. Within the timeframe specified in the Final Order, Respondent shall submit documentation to ADEQ, for review and approval, indicating that the corrosion protection system for the USTs located at Site 1 have been tested and recertified in accordance with 40 C.F.R. § 280.31(b)(1).
  - b. Within the timeframe specified in the Final Order, Respondent shall submit documentation to ADEQ indicating the methods used to detect releases for the USTs located at Site 1 in accordance with 40 C.F.R. § 280.41(a).
  - c. Within the timeframe specified in the Final Order, Respondent shall pay the 2016, 2017, and 2018 UST annual registration fees and associated late fees, totaling Four Hundred Eighty Dollars (\$480.00). Payment of these tank fees and late fees shall specify the associated invoice numbers, TKS-133569 (2016 fees), TKS-138704 (2017 fees) and TKS-143686 (2018 fees) and shall be made payable to ADEQ, Attention: Fiscal Division, 5301 Northshore Drive, North Little Rock, Arkansas 72118-5317.
2. **Site 2- Facility ID # 33000022: Oxford Super Stop, AFIN: 33-00151**
  - a. Within the timeframe specified in the Final Order, Respondent shall submit documentation to ADEQ, for review and approval, indicating that the corrosion protection system for the USTs located at Site 2 have been tested and recertified in accordance with 40 C.F.R. § 280.31(b)(1).
  - b. Within the timeframe specified in the Final Order, Respondent shall pay the 2016, 2017, and 2018 UST annual registration fees, totaling Four Hundred Eighty Dollars (\$480.00).



Payment of these tank fees and late fees shall specify the associated invoice numbers, TKS-133568 (2016 fees), TKS-138703 (2017 fees) and TKS-143685 (2018 fees) and shall be made payable to ADEQ, Attention: Fiscal Division, 5301 Northshore Drive, North Little Rock, Arkansas 72118-5317.

3. **Site 3- Facility ID # 32000131: Cushman's Super Stop, AFIN: 32-00271**

Within the timeframe specified in the Final Order, Respondent shall pay the 2014, 2015, 2016, and 2017 UST annual registration fees, and associated late fees, totaling Nine Hundred and Sixty Dollars (\$960.00). Payment of these tank fees and late fees shall specify the associated invoice numbers, TKS-123318 (2014 fees), TKS-128394 (2015 fees), TKS-133567 (2016 fees), and TKS-138702 (2017 fees) and shall be made payable to ADEQ, Attention: Fiscal Division, 5301 Northshore Drive, North Little Rock, Arkansas 72118-5317.

4. Respondent shall submit to ADEQ one (1) electronic and one (1) hard copy of all reports, documents, plans or specifications required within the timeframe specified in the Final Order.
5. All submittals required by the Final Order, excluding the requirement for the payment submittal in paragraph 6 below, shall be electronically emailed to [LeboeufK@adeq.state.ar.us](mailto:LeboeufK@adeq.state.ar.us), and submitted by Certified Mail or hand delivered to Katie LeBeouf, Enforcement, Office of Land Resources, ADEQ, 5301 Northshore Drive, North Little Rock, Arkansas 72118-5317.
6. Nothing in this NOV shall be construed as a waiver of ADEQ's enforcement authority over violations not specifically addressed herein, nor does this order exonerate past, present, or future conduct that is not expressly addressed herein. Nothing contained herein shall relieve Respondent of any other obligations imposed by any local, state, or federal laws, nor shall this Final Order be deemed in any way to relieve Respondent of its responsibilities for obtaining or complying with any necessary permits or licenses.

**THEREFORE, TAKE NOTICE THAT:**

If Respondent wishes to dispute the allegations or the proposed civil penalty assessment or corrective action, Respondent must file a written request for a hearing with the Secretary of the Arkansas Pollution Control and Ecology Commission, 101 E. Capitol, Suite 205, Little Rock, Arkansas 72201, **within twenty (20) calendar days** of the receipt of this NOV or the allegations herein will be deemed proven. Upon timely filing a written response that is compliant with APC&EC Regulation 8, Respondent will be entitled to an adjudicatory hearing upon the allegations and other matters stated in the Notice of Violation. If no timely request for a hearing is filed with the Secretary of the APC&EC, the Director may issue an Administrative Order affirming the allegations as Findings of Fact, assessing the civil penalty, and ordering the corrective action as stated herein.



**BECKY W. KEOGH, DIRECTOR**  
**ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY**



**DATE**

# ADEQ

ARKANSAS  
Department of Environmental Quality

April 5, 2019

Mr. Donald Patterson  
519 E. Redbard Rd.  
Cave City, AR 72521

**CERTIFIED MAIL # 7017 2620 0001 0620 7601  
RECEIPT REQUESTED  
RESTRICTED DELIVERY**

**IN RE: Notice of Violation, Lis No. 19-027; AFIN #s 33-00170; 33-00151; 33-00271**

Dear Mr. Patterson

Enclosed is a Notice of Violation issued to Donald Patterson, on April 4, 2019, by the Director of the Arkansas Department of Environmental Quality.

Also enclosed is a copy of Regulation 8, Administrative Procedures. Regulation 8 establishes the right of a party to receive an administrative hearing on the alleged violations.

**If you want to appeal the Notice of Violation, you must file a written Request for Hearing that must be received by the Arkansas Pollution Control and Ecology Commission, 101 East Capitol, Suite 205, Little Rock, AR 72201, or by facsimile to 501-682-7891, or by sending a PDF version of the filing by electronic mail to goffpatti@adeq.state.ar.us within twenty (20) calendar days of your receipt of this letter.**

**Filing a request for hearing only with ADEQ is not sufficient to preserve your right to appeal.**

The penalties and corrective actions called for in the Notice of Violation are at this stage only proposed penalties and actions. This Notice of Violation is subject to public review and comment in accordance with Ark. Code Ann. § 8-4-103(d). The public notice date will be on or about April 10, 2019. ADEQ retains the right and discretion to rescind this Notice of Violation based on public comments received within the thirty-day comment period. Resolution of the Notice of Violation will be by means of a Consent Administrative Order if you decide to pay the proposed penalty to settle the matter.



Donald Patterson  
April 4, 2019  
Page 2 of 2

The Department is willing to discuss settlement of any or all matters described in the Notice of Violation. If you or your legal counsel desire to discuss settlement of this matter, please feel free to contact me at 501-682-0030.

Sincerely,

A handwritten signature in cursive script that reads "Lisa Thompson".

Lisa Thompson  
General Counsel

Enclosures: NOV & Regulation 8

cc: Pat Goff, Commission Secretary  
Albert Hires, RST Division  
File

LT

US 19027

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <span style="float: right;"><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</span></p> <p><b>X</b></p> <p>B. Received by (<i>Printed Name</i>) <span style="float: right;">C. Date of Delivery</span></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p style="text-align: center;">Mr. Donald Patterson 519 E. Redbard Road Cave City, AR 72521</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (<i>Extra Fee</i>) <input checked="" type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p>7017 2620 0001 0620 7601</p>

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.

**CERTIFIED MAIL®**



7017 2620 0001 0620 7601  
7017 2620 0001 0620 7601

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
*Domestic Mail Only*

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

OFFICIAL USE

Certified Mail Fee	\$	Postmark Here
Extra Services & Fees ( <i>check box, add fee as appropriate</i> )		
<input type="checkbox"/> Return Receipt (hardcopy)	\$	
<input type="checkbox"/> Return Receipt (electronic)	\$	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$	
<input type="checkbox"/> Adult Signature Required	\$	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$	
Postage	\$	
<b>Total Postage and Fees</b>	\$	
Sent To	Mr. Donald Patterson	
Street and Apt. No., or PO Box No.	519 E. Redbard Road	
City, State, ZIP+4®	Cave City, AR 72521	

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

EXHIBIT  
3

# ARKANSAS

ENERGY & ENVIRONMENT

OFFICE OF CHIEF COUNSEL

October 14, 2019

**CERTIFIED MAIL # 7009 2820 0001 5761 9353  
RETURN RECEIPT REQUESTED  
RESTRICTED DELIVERY**

Mr. Donald Patterson  
519 E. Redbarn Road  
Cave City, AR 72521

**RE: Default Administrative Order, LIS 19-027, AFIN #s: 33-00170, 33-00151, 32-00271**

Dear Mr. Patterson:

Enclosed is a Default Administrative Order issued to you by the Director of the Division of Environmental Quality. If you have any questions, you may call me at 501-682-0030.

Sincerely,



Lisa M. Thompson  
Senior Attorney  
Arkansas Department of Energy & Environment  
Division of Environmental Quality

/lt

w/Encl.: DAO

cc: Patricia Goff, APC&EC Commission Secretary  
Scott McDonald, OLR Enforcement