

ARKANSAS DEPARTMENT OF ENERGY AND ENVIRONMENT
DIVISION OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

Southark Disposals Group, LLC
4498 Haynesville Highway
PO Box 11436
El Dorado, AR 71730

LIS No. 21- **047**
Permit Nos. 5077-WR-7
ARR001445
ARR153062
AFIN 70-01210

CONSENT ADMINISTRATIVE ORDER

This Consent Administrative Order (“Order”) is issued pursuant to the authority of the Arkansas Water and Air Pollution Control Act, Ark. Code Ann. § 8-4-101 *et seq.*, the Federal Water Pollution Control Act, 33 U.S.C. § 1311 *et seq.*, and the regulations and rules issued thereunder by Arkansas Pollution Control and Ecology Commission (APC&EC).

The issues herein having been settled by the agreement of Southark Disposals Group, LLC¹ (Respondent) and the Division of Environmental Quality² (DEQ), it is hereby agreed and stipulated that the following FINDINGS OF FACT and ORDER AND AGREEMENT be entered.

FINDINGS OF FACT

1. Respondent owns and operates a bulking³ and storage⁴ facility (facility) located at 101 Warehouse Drive, El Dorado, Union County, Arkansas. Respondent is permitted to accept drilling

¹ DEQ issued permits to Southark Waste Control, LLC. Southark Disposals Group, LLC acquired the assets of Southark Waste Control, LLC effective January 1, 2019.

² 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 Department of Energy and Environment.

³ Bulking is the process of mixing liquid wastes with a bulking agent such as fly ash, sawdust, or rice hulls. The resulting solids from the bulking process are either hauled to a permitted solid waste disposal facility or utilized for beneficial use purposes.

⁴ Fluids allowed for storage at the facility include fresh water, oil-based drilling mud, water-based drilling mud, drill cuttings, produced water, flow-back water, bentonitic clays, chemical additives, barite, foaming agents, lubricants, and emulsifiers produced off-site by natural gas drilling operations as well as non-hazardous stormwater and process water from various industries.

fluids from oil and gas exploration and production and non-hazardous process water from various industries and to bulk those fluids to produce a solid that is disposed of at a permitted solid waste disposal facility.

2. Pursuant to the federal Clean Water Act, 33 U.S.C. § 1311(a) et seq., the NPDES program prohibits the discharge of pollutants except as in compliance with a permit issued under the NPDES program in accordance with 33 U.S.C. § 1342(a).

3. DEQ is authorized under the Arkansas Water and Air Pollution Control Act (“Act”) to issue permits to prevent, control, or abate pollution, for the discharge of sewage, industrial waste, or other wastes into the waters of the state, and for the installation, modification, or operation of disposal systems or any part of them in the state of Arkansas and to initiate an enforcement action for any violation of an NPDES permit.

4. Ark. Code Ann. § 8-4-217(a)(3) provides:

(a) It shall be unlawful for any person to:

...

(3) Violate any provisions of this chapter or of any rule or order adopted by the [APC&EC] under this chapter or of a permit issued under this chapter by the [DEQ].

5. Ark. Code Ann. § 8-4-103(c)(1)(A) authorizes DEQ to assess an administrative civil penalty not to exceed ten thousand dollars (\$10,000) per violation for any violation of any provision of the Act and any rule or permit issued pursuant to the Act.

6. Pursuant to Ark. Code Ann. § 8-4-103(c)(1)(B), “[e]ach day of a continuing violation may be deemed a separate violation for purposes of penalty assessment.”

7. Respondent operates under three (3) permits issued by DEQ:

- a. DEQ issued Construction Stormwater General Permit coverage to Respondent for discharge of stormwater into waters of the state pursuant to the NPDES Construction Stormwater General Permit, Permit Tracking Number ARR153062 (“Construction Stormwater Permit”) with a coverage date of October 15, 2016, and an expiration date of October 31, 2021.
- b. DEQ issued Industrial Stormwater General Permit coverage to Respondent for discharge of stormwater into waters of the state pursuant to the NPDES Industrial Stormwater General Permit, Permit Tracking Number ARR001445 (“Industrial Stormwater Permit”) with a coverage date of July 1, 2019, and an expiration date of June 30, 2024.
- c. DEQ issued No-Discharge Permit 5077-WR-7 (“No-Discharge Permit”) to Respondent on May 20, 2016. The No-Discharge Permit became effective on June 1, 2016, and expires on May 31, 2021. The No-Discharge Permit authorizes the operation of a storage facility for drilling fluids, non-hazardous stormwater, and non-hazardous process water. The No-Discharge Permit does not authorize any discharge in any manner of drilling fluids, non-hazardous stormwater, and non-hazardous process water to waters of the state.

Violation of Ark. Code Ann. § 8-4-203(a)(2)

8. Ark. Code Ann. § 8-4-102(3) defines “industrial waste” as any liquid, gaseous, or solid waste substance resulting from any process of industry, mining, manufacturing, trade, or business or from the development of any natural resources.

9. Ark. Code Ann. § 8-4-203(a)(2) states, “The Division of Environmental Quality is given and charged with the power to issue, continue in effect, revoke, modify, or deny permits, under

such conditions as it may prescribe for the discharge of sewage, industrial waste, or other wastes into the waters of the state, including the disposal of pollutants into wells.”

10. Respondent has a permit issued by Arkansas Oil and Gas Commission for the disposal of Class II fluids, which does not include industrial wastes, at a facility known as the Hutcheson Commercial Disposal Well. Respondent has been issued a Notice of Violation for violations of Arkansas Oil and Gas Commission Rule H-3 for accepting and disposing of non-Class II fluids at the Hutcheson Commercial Disposal Well.

11. DEQ has not issued any permits for the disposal of industrial waste at the Hutcheson Commercial Disposal Well.

12. Respondent has been accepting industrial wastewater transported from Pratt Industries, Inc. paper mill in Louisiana for disposal at the Hutcheson Commercial Disposal Well.

13. Respondent is not authorized to discharge industrial wastewater in any manner at any disposal site or well, unless that disposal site or well is permitted by DEQ for the discharge of industrial wastes. Respondent’s action of discharging industrial waste into a well without a permit issued by DEQ is a violation of Ark. Code Ann. § 8-4-203(a)(2) and therefore is a violation of Ark. Code Ann. § 8-4-217(a)(3).

Violation of Ark. Code Ann. § 8-4-203(c)(1)(D) and
Part I Condition 9 of the No-Discharge Permit

14. Ark. Code Ann. § 8-4-203(c)(1)(D)(i)–(iii) provides:

- (i) The amount of any financial assurance required under this subsection shall be equal to or greater than the detailed cost estimate for a third party to close the permitted facility in accordance with closures plans approved by the division.

- (ii) The detailed cost estimate shall be prepared by an independent professional consultant.
- (iii) On or before August 15 of each year, a permittee shall submit to the division for approval a detailed cost estimate to close and restore the permitted facility in accordance with closure plans that have been approved by the division.

15. Part I Condition 9 of the No-Discharge Permit requires Respondent to submit to DEQ, on or before August 15 of each calendar year, a detailed cost estimate to close and restore the permitted facility in accordance with the DEQ-approved closure plan.

16. Respondent failed to provide a cost closure estimate for 2019 to DEQ by August 15, 2019.

17. Respondent's failure to provide the 2019 cost closure estimate by August 15, 2019, is a violation of Ark. Code Ann. § 8-4-203(c)(1)(D) and Part 1 Condition 9 of the No-Discharge Permit.

18. On June 1, 2020, again on August 4, 2020, DEQ requested, by email to Respondent's attorney, that Respondent submit the 2020 cost closure estimate by August 15, 2020.

19. Respondent failed to provide a cost closure estimate for 2020 to DEQ by August 15, 2020.

20. On August 24, 2020, DEQ requested, by email to Respondent's attorney, that Respondent submit the 2020 cost closure estimate by August 26, 2020.

21. Respondent failed to provide a cost closure estimate for 2020 to DEQ by August 26, 2020.

22. Respondent's failure to provide the 2020 cost closure estimate by August 15, 2020, is a violation of Ark. Code Ann. § 8-4-203(c)(1)(D) and Part 1 Condition 9 of the No-Discharge Permit and therefore is a violation of Ark. Code Ann. § 8-4-217(a)(3).

23. On October 7, 2020, Respondent submitted a 2020 Cost Closure Estimate. On October 13, 2020, DEQ notified Respondent by letter that the 2020 Cost Closure Estimate submitted on October 7, 2020, was not adequate to close and restore the facility based on existing site conditions and operations.

24. On October 21, 2020, Respondent submitted a revised 2020 Cost Closure Estimate and responded to the comments provided by DEQ in its letter dated October 13, 2020. On November 3, 2020, DEQ notified Respondent by letter that the revised 2020 Cost Closure Estimate submitted on October 21, 2020, was not adequate to close and restore the facility based on existing site conditions and operations. Specifically, the revised 2020 Cost Closure Estimate failed to include a closure cost based on the estimated cost for a third-party to close the existing facility and lacked verifiable documentation to verify the costs provided.

25. On November 20, 2020, Respondent submitted a revised 2020 Cost Closure Estimate and responded to the comments provided by DEQ in its letter dated November 3, 2020. On December 9, 2020, DEQ notified Respondent by letter that the revised 2020 Cost Closure Estimate submitted on November 20, 2020, was still deficient because it lacked verifiable supporting documentation for waste disposal and referenced bid proposals for waste removal, contained an unrealistic cost estimate for the Remedial Action Work Plan, and lacked an acceptable financial assurance mechanism.

Violation of Ark. Code Ann. § 8-4-216 and Part II Condition 17(B) of the No-Discharge Permit

26. Ark. Code Ann. § 8-4-216(a)–(b) provides:

- a. The owner or operator of or any contributor of sewage, industrial wastes, or other wastes to any disposal system or an industrial user of a publicly owned treatment system, when requested by the

Director of the Division of Environmental Quality, shall furnish to the Division of Environmental Quality any information that is relevant to the subject of this chapter. The owner or operator shall establish and maintain such records, make such reports, install, use, and maintain such monitoring equipment or methods, including, when appropriate, biological monitoring methods, sample such effluents, and provide such other information as the director may reasonably require.

- b. The division or any authorized employee or agent of the division may examine and copy any book, papers, records, or memoranda pertaining to the operation of a disposal system.

27. Part 1 Condition 5 of the No-Discharge Permit requires Respondent to keep current records of the solids and liquids that are received and stored as well as shipped from the facility.

28. Part II Condition 17(B) of the No-Discharge Permit requires Respondent to allow the Director of DEQ, or an authorized representative, to have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit.

29. DEQ requested records required to be kept pursuant to the No-Discharge Permit regarding the facility's operation.

30. DEQ requested those records on the following dates: April 22, 2020, during the inspection of the facility; again on June 1, 2020, by email to Respondent's attorney; again on August 4, 2020, by email to Respondent's attorney; and again on August 24, 2020, by email to Respondent's attorney.

31. DEQ requested the following records be submitted to DEQ for review:

- a. Copies of documentation (manifests, bill of lading, shipping records) of all wastes (liquid, solid, or a combination thereof) received by the facility from January 1, 2019 to May 29, 2020, to include Date, Volume, Source Category, Name and address of Company or Individual that generated the wastes, Name and Permit number of the transporter, and onsite disposition of the wastes, as well as any sampling records or documentation to confirm the contents of the wastes;
- b. Copies of documentation (manifests, bill of lading, shipping records) of any offsite transfer of wastes or treated wastes (liquid, solid, or a combination thereof) to include Date, Volume, Name and address of Company or Individual that received the wastes or treated wastes, Name and Permit number of the transporter, as well as any sampling records or documentation to confirm the contents of the wastes or treated wastes;
- c. A complete inventory of current onsite solids volume and approximation of onsite liquid volume as of June 1, 2020;
- d. All training and inspection records for the facility and its staff during the period June 1, 2016 through May 29, 2020;
- e. Copies of construction records and certifications by Professional Engineers licensed by the state of Arkansas of all permanent onsite waste storage facilities, ponds, lagoons, etc.;
- f. A current updated Stormwater Pollution Prevention Plan;
- g. Updated Disclosure Form;
- h. 2020 Closure Estimate, due on or before August 15, 2020, that reflects actual onsite conditions; and

i. Updated Signatory Authorization Form.

32. On July 21, 2020, Respondent submitted, through their counsel, an incomplete Disclosure Form.

33. On October 28, 2020, Respondent provided delivery tickets for some of the waste received, but those records were not sufficient to fulfill the requirements of Respondent's No-Discharge Permit or DEQ's request for records required by the No-Discharge Permit.

34. Respondent's failure to provide the requested records is a violation of Ark. Code Ann. § 8-4-216 and Part II Condition 17(B) of the No-Discharge Permit and therefore is a violation of Ark. Code Ann. § 8-4-217(a)(3).

Violation of Ark. Code Ann. § 8-4-217(b)(1)(E) and
Part I Condition 3 of the No-Discharge Permit

35. Ark. Code Ann. § 8-4-217(b)(1)(E) provides:

(b)(1) It shall be unlawful for any person to engage in any of the following acts without having first obtained a written permit from the division:

(E) To discharge sewage, industrial waste, or other wastes into any of the waters of this state.

36. Part I Condition 3 of the No-Discharge Permit prohibits the discharge of waste from the facility to waters of the state.

37. Ark. Code Ann. § 8-4-102(10) defines "waters of the state" as all streams, lakes, marshes, ponds, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through, or border upon this state or any portion of the state.

38. On May 15, 2020, DEQ inspected the facility and documented a discharge of yellow unknown liquid waste from the facility into an unnamed tributary of Boggy Creek. The discharge observed on May 15, 2020, was an unpermitted discharge from the facility into waters of the state.

39. On June 2, 2020, DEQ inspected the facility and documented a release of wastewater from the No-Discharge containment area to the stormwater pond. DEQ further documented black wastewater discharging from the toe of the stormwater levee and from under piled rocks at the stormwater pond. The discharge observed on June 2, 2020, was an unpermitted discharge from the facility.

40. On June 16, 2020, in response to a complaint about discharge of water from the facility and a foul smell in the area of the facility, DEQ investigated by tracing the flow of waste in Boggy Creek to an unnamed tributary of Boggy Creek where Respondent's facility is located and confirmed a wastewater discharge from the facility and the foul smell.

41. On August 25, 2020, DEQ inspected the facility and documented a discharge of black wastewater from the valve for the stormwater pond. DEQ also documented the black wastewater in the stormwater pond—the stormwater pond should only contain uncontaminated stormwater.

42. Respondent's multiple unpermitted discharges of wastewater to the unnamed tributary of Boggy Creek are a violation of Ark. Code Ann. § 8-4-217(b)(1)(E) and Part I Condition 3 of the No-Discharge Permit and therefore is a violation of Ark. Code Ann. § 8-4-217(a)(3).

Violation of Part II Condition 22 of the No-Discharge Permit

43. Part II Condition 22 of the No-Discharge Permit requires Respondent to submit a complete permit renewal application at least 180 days prior to the expiration date of the No-Discharge Permit if the activity regulated by the No-Discharge Permit is to continue after the expiration date.

44. Respondent has not informed DEQ that it intends to cease to operate this facility beyond the expiration date of the current permit, May 31, 2021.

45. On June 3, 2019, Respondent was notified that the No-Discharge Permit would expire on May 31, 2021, and that in order to continue the regulated activity, a complete renewal application must be submitted no later than December 2, 2020. This notice was returned to DEQ.

46. On August 4, 2020, DEQ notified Respondent's attorney that the No-Discharge Permit would expire on May 31, 2021, and that a complete permit renewal application must be submitted to DEQ by December 2, 2020.

47. The complete No-Discharge Permit renewal application was not received by December 2, 2020. Failure to submit the Permit renewal application by December 2, 2020, is a violation of Part II, Condition 22 of the No-Discharge Permit and therefore is a violation of Ark. Code Ann. § 8-4-217(a)(3).

48. On May 19, 2021, Respondent submitted permit transfer forms for the permits referenced in Paragraph 7 above and a request to submit the permit renewal application for the No-Discharge Permit no later than the effective date of this Order. The permit transfer form indicates that the facility will be acquired by MidAmerica Environmental Holdings, LLC (New Owner) with closing scheduled for June 1, 2021.

49. On May 19, 2021, New Owner submitted an original financial assurance mechanism sufficient for closure of the facility by a third party in the amount of One Hundred Fifteen Thousand Seven Hundred Seventy Dollars (\$115,770.00).

ORDER AND AGREEMENT

1. New Owner shall submit a complete no-discharge permit renewal application no later than the effective date of this Order.. If an administratively complete no-discharge permit renewal

application is not received by DEQ on or before the effective date of this Order, New Owner's coverage under the No-Discharge Permit will end.

2. Effective immediately, Respondent and New Owner shall comply with the No-Discharge Permit until the final permitting decision on the renewal application is effective or the No-Discharge Permit is terminated.

3. Within thirty (30) calendar days of the effective date of this Order, New Owner shall submit to DEQ, for review and approval, a closure plan and cost estimate. The closure plan and cost estimate should address the deficiencies itemized in DEQ's letter to Respondent dated December 9, 2020.

4. Neither Respondent nor New Owner shall accept any industrial process water until DEQ has approved a waste management plan for that type of industrial process water.

5. Respondent, or New Owner for the benefit of the Respondent, shall conduct appropriate sampling and analysis for all wastewater and stormwater at the facility and for all sludge and other solid wastes at the facility. The analysis shall include all testing required to determine if that waste (solid or liquid) is a hazardous waste and the toxicity characteristic leaching procedure (TCLP) for all solid waste.

6. New Owner shall submit monthly reports to DEQ with the following information and documentation:

- a. Copies of documentation (manifests, bill of lading, shipping records) of all wastes (liquid, solid, or a combination thereof) received by the facility, to include Date, Volume, Source Category, Name and address of Company or Individual that generated the wastes, Name and Permit number of the transporter, and onsite

disposition of the wastes, as well as any sampling records or documentation to confirm the contents of the wastes;

- b. Copies of documentation (manifests, bill of lading, shipping records) of any offsite transfer of wastes or treated wastes (liquid, solid, or a combination thereof) to include Date, Volume, Name and address of Company or Individual that received the wastes or treated wastes, Name and Permit number of the transporter, as well as any sampling records or documentation to confirm the contents of the wastes or treated wastes;
- c. A complete inventory of current onsite solids volume and approximation of onsite liquid volume as the end of the month;
- d. Any and all analytical results for all wastes received, including liquids and solids, and for any wastes, liquid or solid, leaving the site, including sludge removed from any of the containment sumps on-site;
- e. Disposal documentation including shipping papers, manifests, weight tickets, disposal receipts, and invoices for any and all shipments off-site of solid waste or sludge; and
- f. Names and addresses of all disposal locations, whether permitted or not, and dates of shipments including quantity shipped.

7. Within thirty (30) calendar days of the effective date of this Order, New Owner shall, submit to DEQ, for review and approval, either a Current Conditions Report and Proposed Action Plan (CCRPAP), or, should the anticipated transaction not occur, Respondent shall submit a Closure Plan developed by a Professional Engineer licensed in the state of Arkansas. The CCRPAP shall include, at minimum, the actions taken and the proposed actions necessary to achieve

compliance with the No-Discharge Permit, Construction Stormwater Permit, and Industrial Stormwater Permit; prevent unauthorized discharges to waters of the state; and prevent future violations. The CCRPAP shall also identify any areas that require remediation or cleanup and identify any facility components that are determined to be different from the components described in the renewal permit application and propose actions to resolve those issues. The CCRPAP shall include a reasonable milestone schedule with a date of final compliance no later than December 31, 2021. Upon review and approval by DEQ, New Owner shall comply with the terms, milestone schedule, and final compliance date contained the approved CCRPAP. The milestone schedule and final compliance date shall be fully enforceable as terms of this Order. Alternatively, the Closure Plan shall include, at minimum, the methods that will be used to close the facility and remediate the area and any waters of the state affected by Respondent's past operations at this facility. The Closure Plan shall include a reasonable milestone schedule with a date of final compliance no later than December 31, 2021. Upon review and approval by DEQ, Respondent shall comply with the terms, milestone schedule, and final compliance date contained the approved Closure Plan. The milestone schedule and final compliance date shall be fully enforceable as terms of this Order.

8. Within thirty (30) calendar days of the effective date of this Order, New Owner shall, submit to DEQ, for review and approval, a new Waste Management Plan (WMP) developed by a Professional Engineer licensed in the state of Arkansas.

9. Should the anticipated transaction not occur, on or before the fifteenth (15th) day of the month following the effective date of this Order, and each month thereafter until this Order is closed, Respondent shall submit monthly progress reports detailing the progress that has been made towards the Closure Plan.

10. By the final compliance date in the DEQ-approved CCRPAP, New Owner shall submit a final compliance report, stamped by a Professional Engineer licensed in the state of Arkansas, certifying the corrective actions have been completed, and the facility was in compliance with all of the DEQ-issued Permits on the final compliance date and will continue to operate in compliance with each permit held by New Owner for the facility. Alternatively, by the final compliance date in the DEQ-approved Closure Plan, Respondent shall submit a final compliance report, stamped by a Professional Engineer licensed in the state of Arkansas, certifying that the closure of the facility and remediation of the facility area and any waters of the state affected by past activities at the facility have been completed.

11. In compromise and full settlement of the violations specified in the Findings of Fact, Respondent agrees to pay a civil penalty of Thirty-six Thousand Eight Hundred Dollars (\$36,800.00), of which Twenty-six Thousand Eight Hundred Dollars (\$26,800.00) shall be conditionally SUSPENDED by DEQ. If Respondent and New Owner fully comply with this Order, the suspended civil penalty of Twenty-six Thousand Eight Hundred Dollars (\$26,800.00) shall be DISMISSED by DEQ. The suspension and dismissal of civil penalties is contingent upon Respondent and New Owner complying with the terms of this Order. If Respondent or New Owner violate any term of this Order, the full balance of Thirty-six Thousand Eight Hundred Dollars (\$36,800.00) shall be payable immediately to DEQ on demand. Payment of Ten Thousand Dollars (\$10,000.00) is due within thirty (30) calendar days of the effective date of this Order. Payment of the penalty shall be made payable to the Division of Environmental Quality, and mailed to the attention of:

DEQ, Fiscal Division
5301 Northshore Drive
North Little Rock, AR 72118

12. In the event that Respondent fails to pay the civil penalty within the prescribed time, DEQ shall be entitled to attorneys' fees and costs of collection.

13. In the event that the transaction between Respondent and New Owner does not close and the New Owner notifies DEQ within three (3) business days that the transaction failed to close, the New Owner's obligations under this Order are satisfied, and Respondent shall be responsible for complying with the obligations set forth in this Order, including obligations assigned to New Owner.

14. Failure to meet any requirement or deadline of this Order constitutes a violation of this Order. If Respondent or New Owner should fail to meet any such requirements or deadlines, Respondent and New Owner consents and agrees to pay on demand to DEQ stipulated penalties according to the following schedule:

First day through fourteenth day:	\$100.00 per day
Fifteenth day through the thirtieth day:	\$500.00 per day
Each day beyond the thirtieth day:	\$1000.00 per day

These stipulated penalties for delay in performance shall be in addition to any other remedies or sanctions that may be available to DEQ by reason of failure by Respondent or New Owner to comply with the requirements of this Order.

15. If any event, including but not limited to an act of nature, occurs that causes or may cause a delay in the achievement of compliance by Respondent and New Owner with the requirements or deadlines of this Order, Respondent and New Owner shall so notify DEQ, in writing, as soon as reasonably possible after it is apparent that a delay will result, but in no case after the due dates specified in this Order. The notification shall describe in detail the anticipated length of the delay, the precise cause of the delay, the measures being taken and to be taken to minimize the delay, and the timetable by which those measures will be implemented.

16. DEQ may grant an extension of any provision of this Order if Respondent or New Owner requests such an extension in writing, and the delay or anticipated delay has or will be caused by circumstances beyond the control of and without the fault of Respondent and New Owner. The time for performance may be extended for a reasonable period, but in no event longer than the period of delay resulting from such circumstances. Respondent and New Owner has the burden of proving that any delay is caused by circumstances beyond the control and without the fault of Respondent or New Owner, as well as the length of the delay attributable to such circumstances. Failure to notify DEQ promptly, as provided in the preceding paragraph of this Section, shall be grounds for a denial of an extension.

17. All requirements by the Order and Agreement are subject to approval by DEQ. Unless otherwise specified herein, in the event of any deficiencies, Respondent and New Owner shall, within the timeframe specified by DEQ, submit any additional information or changes requested, or take additional actions specified by DEQ to correct any such deficiencies. Failure to respond adequately to such Notice of Deficiency within the timeframe specified in writing by DEQ constitutes a failure to meet the requirements established by this Order.

18. This Order is subject to public review and comment in accordance with Ark. Code Ann. § 8-4-103(d) and APC&EC Rule 8 and shall not be effective until thirty (30) calendar days after public notice is given. DEQ retains the right to rescind this Order based upon the comments received within the thirty (30) day public comment period. Notwithstanding the public notice requirements, the corrective actions necessary to achieve compliance shall be taken immediately. The publication of this Order shall occur on or about the 10th or 25th day of the month following the date this Order is executed. As provided by APC&EC Rule 8, this matter is subject to being

reopened upon Commission initiative, or in the event a petition to set aside this Order is granted by the Commission.

19. Nothing in this Order shall be construed as a waiver by DEQ of its enforcement authority over alleged violations not specifically addressed herein. Also, this Order does not exonerate Respondent or New Owner from any past, present, or future conduct that is not expressly addressed herein, nor does it relieve Respondent or New Owner of its responsibilities for obtaining any necessary permits.

20. By virtue of the signature appearing below, the individual represents that he or she is a Managing Member of Respondent, being duly authorized to execute and bind Respondent to the terms contained herein as attested by the secretary of said entity. Execution of this Order by an individual other than a Managing Member of Respondent shall be accompanied by a resolution granting signature authority to said individual as duly ratified by the governing body of the entity.

21. By virtue of the signature appearing below, the individual represents that he or she is a Managing Member of New Owner, being duly authorized to execute and bind New Owner to the terms contained herein as attested by the secretary of said entity. Execution of this Order by an individual other than a Managing Member of New Owner shall be accompanied by a resolution granting signature authority to said individual as duly ratified by the governing body of the entity.

SO ORDERED THIS 21st DAY OF May, 2021.

Becky W Keogh
BECKY W. KEOGH, DIRECTOR

individual other than a Managing Member of New Owner shall be accompanied by a resolution granting signature authority to said individual as duly ratified by the governing body of the entity.

SO ORDERED THIS _____ DAY OF _____, 2021.

BECKY W. KEOGH, DIRECTOR

APPROVED AS TO FORM AND CONTENT:

Southark Disposals Group, LLC

BY: *Sherry Barrette*
(Signature)

Sherry Barrette
(Typed or printed name)

TITLE: Owner/CEO

DATE: May 17, 2021

MidAmerica Environmental Holdings, LLC

BY: *William L White*
(Signature)

TITLE: Owner

DATE: May 19, 2021

Southark Disposals Group, LLC CAO

The attorneys for the parties acknowledge that this signed page, as printed, was not formatted the same as the rest of the CAO and that the signed CAO is the same as the one signed by the Director & CEO.