

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

IN THE MATTER OF:

**Crider Aircraft Painting, Inc.
PO Box 318
Mena, AR 71953**

**LIS No. 23- 062
EPAID: ARD055602098
AFIN 57-00090**

CONSENT ADMINISTRATIVE ORDER

This Consent Administrative Order (CAO) is issued pursuant to the authority of the Arkansas Hazardous Waste Management Act of 1979, Ark. Code Ann. § 8-7-201 *et seq.*, the Arkansas Remedial Action Trust Fund Act, Ark. Code Ann. § 8-7-501 *et seq.*, Arkansas Pollution Control and Ecology Commission (APC&EC) Rules No. 7, 8, and 23.

The issues herein having been settled by the agreement of Crider Aircraft Painting, Inc. (Respondent) and the Arkansas Department of Energy and Environment, Division of Environmental Quality (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 an aircraft refinishing facility (Facility) located at 104 Airport Lane, Mena, Polk County, Arkansas.
2. The Facility refinishes aircraft for general aviation as well as the commuter industry.
3. Respondent is a Large Quantity Generator of hazardous waste.
4. Ark. Code Ann. § 8-7-204(c) provides that each day of a continuing violation may be deemed a separate violation for purposes of penalty assessment and authorizes DEQ to assess an administrative civil penalty not to exceed twenty-five thousand dollars (\$25,000) per day for violations of any provision of the Arkansas Hazardous Waste Management Act (Act) and any rules, permits, or plans issued pursuant to the Act.

5. Ark. Code Ann. § 8-7-205(1) states, “It shall be unlawful for any person to [v]iolate any provisions of this subchapter or of any rule, permit, or order adopted or issued under this subchapter[.]”

6. On September 28, 2022, DEQ conducted a Compliance Evaluation Inspection (CEI) at the Facility. The following violations of APC&EC Rule 23 were identified during the CEI:

- a. DEQ observed twenty-eight (28) 55-gallon containers in the Central Accumulation Area (CAA). Two of the 55-gallon containers in the CAA had been accumulating for greater than ninety (90) days. The oldest container had an accumulation start date of February 6, 2022, accumulating for 235 days at the time of the CEI. An additional container had an accumulation start date of May 5, 2022, accumulating for 147 days at the time of the CEI. Accumulating hazardous waste on site for more than ninety (90) days violates APC&EC Rule No. 23 Section 262.17(a).
- b. Respondent’s treatment process includes two (2) exterior process water tanks. The tanks hold excess, untreated hazardous wastewater. At the time of the CEI, the easternmost tank was observed to be one-half full of untreated wastewater and sludge. Respondent failed to inspect the tank at least once each operating day. Failure to conduct such inspections violates APC&EC Rule No. 23 Section 265.195(b).
- c. DEQ observed the easternmost exterior process water tank was neither marked nor labeled with the words “Hazardous Waste.” Failure to mark or label the exterior process tank with the words “Hazardous Waste” violates APC&EC Rule No. 23 Section 262.17(a)(5)(ii)(A).
- d. DEQ determined that Respondent failed to obtain a written assessment reviewed and certified by an independent, qualified, Arkansas-registered professional

engineer for the easternmost exterior process water tank. Failure to obtain a written assessment violates APC&EC Rule No. 23 Section 265.192(a).

7. In a letter dated November 15, 2022, DEQ notified Respondent of the findings of the investigation.
8. In an email dated November 29, 2022, Respondent submitted a response to the CEI. Respondent submitted Hazardous Waste Manifest No. 017135446 FLE documenting that the twenty-eight (28) containers identified during the CEI were transported to a treatment, storage, and disposal facility.
9. On December 20, 2022, Respondent submitted pictorial evidence indicating that the exterior process tanks had been marked with the words "Hazardous Waste."

ORDER AND AGREEMENT

1. Within thirty (30) days of the effective date of this CAO, Respondent shall submit all daily tank inspection records from October 1, 2022 through December 31, 2022.
2. Within thirty (30) days of the effective date of this CAO, Respondent shall submit a written assessment reviewed and certified by an independent, qualified, Arkansas-registered professional engineer attesting that the process water tank has sufficient structural integrity and is acceptable for the storing and treating of hazardous waste.
3. All documents required by this CAO to be submitted to DEQ, excluding the penalty payment required by Paragraph 6 below, shall be emailed to Enforcement, Office of Land Resources, at olrenforcement@adeq.state.ar.us, or submitted by Certified Mail or hand delivered to Enforcement, Office of Land Resources, DEQ, 5301 Northshore Drive, North Little Rock, Arkansas 72118-5317.

4. In compromise and full settlement for instances of noncompliance specified in the Findings of Fact, Respondent agrees to pay the sum of Ten Thousand Dollars (\$10,000.00), or one-half of the full civil penalty of Five Thousand Dollars (\$5,000) if this CAO is signed and returned to the Office of Land Resources, Enforcement Branch, DEQ, 5301 Northshore Drive, North Little Rock, Arkansas, 72118-5317, within twenty (20) calendar days of receipt of this CAO. Payment is due within thirty (30) calendar days of the effective date of this CAO. Such payment of the penalty shall be made payable to DEQ and mailed to the attention of:

Division of Environmental Quality
Fiscal Division
5301 Northshore Drive
North Little Rock, AR 72118

In the event that Respondent fails to pay the civil penalties within the prescribed time, DEQ shall be entitled to attorneys' fees and costs associated with collection as well as all other lawful fees and penalties.

5. All requirements of this CAO are subject to approval by DEQ. In the event of any deficiencies, Respondent shall submit any additional information or changes requested, or take additional actions specified by DEQ to correct any such deficiencies within the timeframe specified by DEQ. Failure to respond adequately in writing within the timeframe specified by DEQ constitutes a failure to meet the requirements established by this CAO.

6. If Respondent fails to meet any requirement of this CAO within the deadline established by the CAO, DEQ may assess stipulated penalties for the delay in the following amounts:

- | | |
|---|--------------------|
| a. First day through the fourteenth day: | \$250.00 per day |
| b. Fifteenth day through the thirtieth day: | \$1,250.00 per day |
| c. Each day beyond the thirtieth day: | \$2,500.00 per day |

These stipulated penalties for delay in performance shall be in addition to any other remedies or sanctions which may be available to DEQ by reason of Respondent's failure to comply with this CAO.

7. Respondent shall notify DEQ in writing within five (5) calendar days of knowledge of any delay or potential delay in complying with any provision of this CAO, specifying in detail the anticipated length of delay, the precise cause of delay, and the measures being taken to correct and minimize the delay.

8. DEQ may grant an extension of any provision of this CAO, provided that Respondent requests such an extension in writing and provided that the delay or anticipated delay has or will be caused by circumstances beyond the control of and without the fault of Respondent. 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. The burden of proving that any delay is caused by circumstances beyond the control of and without the fault of Respondent and the length of the delay attributable to such circumstances shall rest with Respondent. Failure to notify the DEQ promptly, as provided in the preceding paragraph of this Section, shall be grounds for a denial of an extension.

9. Nothing contained in this CAO shall be construed as a waiver by DEQ of its authority over alleged violations not specifically addressed herein. This CAO does not purport in any way to relieve Respondent of its responsibilities for obtaining any necessary permits or licenses, nor does it relieve Respondent of any other obligations imposed by any local, state, or federal laws. This CAO does not exonerate any past, present, or future conduct not expressly addressed herein.

10. This CAO is subject to public review and comment in accordance with Ark. Code Ann. § 8-4-103(d) and APC&EC Rule No. 8 and shall not be effective until thirty (30) calendar days

after public notice is given. DEQ retains the right to rescind this CAO based upon the comments received within the thirty-day public comment period.

11. Notwithstanding the public notice requirements, the corrective actions necessary to achieve compliance shall be taken immediately. The publication of this CAO shall occur on or about the 10th or 25th day of the month following the date this CAO is executed. As provided by APC&EC Rule No. 8, this matter is subject to being reopened upon APC&EC initiative or in the event a petition to set aside this CAO is granted by the APC&EC.

12. By virtue of the signature appearing below, the individual represents that he or she is an Officer of Respondent, being duly authorized to execute and bind Respondent to the terms contained herein. Execution of this CAO by an individual other than an Officer of Respondent 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 14th DAY OF August, 2023.



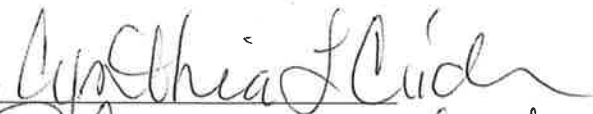
**CALEB OSBORNE
CHIEF ADMINISTRATOR
ARKANSAS DEPARTMENT OF ENERGY AND ENVIRONMENT,
DIVISION OF ENVIRONMENTAL QUALITY**

APPROVED AS TO FORM AND CONTENT:

Crider Aircraft Painting, Inc.

BY:

Signature



Print Name

Cynthia L. Crider

Title

owner

Date

8-1-23