

ARKANSAS DEPARTMENT OF ENERGY AND ENVIRONMENT
DIVISION OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

Pfeiffer One Stop, Inc.
3705 N. St. Louis
Batesville, AR 72501

LIS No. 25- 079
Permit No. ARR001047
AFIN 32-00448

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 rules issued thereunder by the Pollution Control and Ecology Commission (PC&EC).

The issues herein having been settled by the agreement of the Pfeiffer One Stop, Inc. (Respondent) and the 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 operates a salvage and recycling facility ("facility") located at 3705 N. St. Louis, Batesville, Independence County, Arkansas.
2. Respondent is regulated pursuant to the National Pollutant Discharge Elimination System (NPDES).
3. 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).

4. DEQ is authorized under the Arkansas Water and Air Pollution Control Act (“Act”) to issue NPDES permits in the state of Arkansas and to initiate an enforcement action for any violation of an NPDES permit.

5. Ark. Code Ann. § 8-4-217(a)(2-3) provides:

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

...

(2) Place or cause to be placed any sewage, industrial waste, or other wastes in a location where it is likely to cause pollution of any waters of this state;

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

6. 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.

7. 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.”

8. DEQ issued the NPDES Industrial Stormwater General Permit (IGP) on November 6, 2018, with an effective date of July 1, 2019, and an expiration date of June 30, 2024. DEQ issued the renewal IGP on December 14, 2023, with an effective date of July 1, 2024, and an expiration date of June 30, 2029.

9. DEQ issued permit coverage to Respondent under the IGP with permit tracking number ARR001047 on March 7, 2019. The coverage became effective on July 1, 2019, and expired on June 30, 2024. On June 26, 2024, DEQ received a Recertification Notice of Intent (RNOI) from Respondent with additional information on November 12, 2024.

10. On March 21, 2022, DEQ received an anonymous complaint that vehicle fluids were spilled all over the ground at Respondent's facility.

11. On March 28, 2022, DEQ conducted an industrial stormwater inspection of the facility.

The inspection revealed the following violations:

- a. Vehicle fluids were observed on the ground in several locations around the facility in violation of Part 3 of the IGP and in locations where they are likely to cause pollution to waters of the state. This condition is a violation of the IGP and Ark. Code Ann. § 8-4-217(a)(2) and therefore is a violation of Ark. Code Ann. § 8-4-217(a)(3).
- b. The facility did not have a Stormwater Pollution Prevention Plan (SWPPP) or associated documents including, but not limited to, a site map, Stormwater Annual Report, and site checks. This failure is a violation of Part 4 of the IGP and therefore is a violation of Ark. Code Ann. § 8-4-217(a)(3).

12. On December 29, 2022, DEQ notified Respondent of the inspection results and requested a written response be submitted by January 19, 2023.

13. On January 13, 2023, DEQ received a response from Respondent.

14. On January 19, 2023, DEQ sent Respondent an inadequate response letter. The letter requested that Respondent submit additional documentation by February 3, 2023.

15. On March 13, 2023, DEQ sent Respondent another inadequate response letter, requesting additional information be submitted by March 27, 2023.

16. On April 24, 2025, DEQ sent Respondent a link to the March 28, 2022, inspection.

17. On April 30, 2025, Respondent notified DEQ that they could not locate the records from 2021 or 2022. Respondent also stated they were working on getting the SWPPP updated.

18. On May 1, 2025, DEQ responded to Respondent with the sampling and site inspection requirements of the IGP.

19. On May 2, 2025, Respondent again stated that they could not locate any of the documents requested.

ORDER AND AGREEMENT

WHEREFORE, the parties stipulate and agree as follows:

1. Within thirty (30) days of the effective date of this Order, Respondent shall submit an adequate response to the March 28, 2022, inspection. The response shall include the following information:

- a. A current copy of the SWPPP and site map;
- b. The SWARs from 2021, 2022, 2023, and 2024;
- c. Sample analysis and chain of custody records from 2021, 2022, 2023, and 2024;
- d. Site inspections from 2021, 2022, 2023, and 2024; and
- e. A written detailed report of the corrective actions taken to clean up the vehicle fluids on the ground that were observed during the March 28, 2022, inspection. Any disposal records for this clean-up should also be submitted.

If any of the documentation from 2021–2024 cannot be provided because it was not performed, Respondent shall submit a detailed report of the corrective actions that will take place to ensure that Respondent is in compliance with Part 4 of the IGP.

2. In compromise and full settlement of the violations specified in the Findings of Fact, Respondent agrees to pay a civil penalty of Six Thousand Eight Hundred Dollars (\$6800.00)¹, or one-half of the full civil penalty of Three Thousand Four Hundred Dollars (\$3400.00)¹ if this

¹ Ten percent (10%) of the total penalty will be paid to DEQ as reimbursement for administrative costs associated with the Order.

Order is signed and returned to the Office of Water Quality Enforcement Branch, DEQ, 5301 Northshore Drive, North Little Rock, Arkansas, 72118-5317, within twenty (20) calendar days of receipt of this Order. Ten percent (10%) of the total penalty will be paid to DEQ as reimbursement for administrative costs associated with the Order. Payment is due within thirty (30) calendar days of the effective date of this Order. Even if the conditions for receiving a reduced penalty of Three Thousand Four Hundred Dollars (\$3400.00) have been met, failure to otherwise comply with this Order will result in the penalty reverting to the full civil penalty of Six Thousand Eight Hundred Dollars (\$6800.00) and shall become due immediately and payable to DEQ. Payment 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

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.

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

- a. First day through fourteenth day: \$100.00 per day
- b. Fifteenth day through the thirtieth day: \$500.00 per day
- c. 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 to comply with the requirements of this Order.

4. 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 with the requirements or deadlines of this Order, Respondent 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.

5. DEQ may grant an extension of any provision of this Order if Respondent 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. 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 has the burden of proving that any delay is caused by circumstances beyond the control and without the fault of Respondent, 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.

6. All requirements by the Order and Agreement are subject to approval by DEQ. Unless otherwise specified herein, in the event of any deficiencies, Respondent 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.

7. This Order is subject to public review and comment in accordance with Ark. Code Ann. § 8-4-103(d) and 8 CAR pt. 11, 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) calendar 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 8 CAR pt. 11, 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.

8. 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 from any past, present, or future conduct that is not expressly addressed herein, nor does it relieve Respondent of its responsibilities for obtaining any necessary permits.

9. 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 Order 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 9 DAY OF December, 2025.

Bailey Taylor
BAILEY TAYLOR, CHIEF ADMINISTRATOR OF ENVIRONMENT AND DEQ DIRECTOR
ARKANSAS DEPARTMENT OF ENERGY AND ENVIRONMENT

APPROVED AS TO FORM AND CONTENT:

Pfeiffer One Stop, Inc.

BY: [Signature]
(Signature)

Jon Jarvis
(Typed or printed name)

TITLE: president

DATE: 11-26-25