

AEF Presentation

Common Land & Waste Compliance Issues

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Responsibilities:

- **Hazardous Waste Division**
- **Regulated Storage Tanks (RST) Division**
- **Solid Waste Division**
- **Environmental Officer (EO) Program Coordinator**



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HW



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Hazardous Waste Mission Statement:

- The Hazardous Waste Division strives to enhance and protect health and the environment by the safe management of hazardous wastes and substances through a program of:
 - Rulemaking
 - Permitting
 - **Compliance monitoring and enforcement**
 - Site remediation
 - Encourage waste minimization and pollution prevention fro the benefit of all Arkansans.



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Hazardous Waste Inspections 2025

- **Compliance Evaluation Inspections (CEI) – 52**
 - 39 of those facilities had at least one (1) violation
 - 13 of those facilities received a no violation report
 - So, 25% of these facilities were in compliance

- **Complaint Investigations – 96 Submittals in SEEK**
 - 34 of those were Referred to Other Agency (RTOA)
 - 45 of those were Investigated No Evidence Found (INEF)
 - 12 of those were cited at least one (1) violation
 - 5 of those are ongoing



Common Violations Involve:

- **Failure to Perform Waste Determinations:** Generators often fail to determine if a waste is hazardous, lack documentation supporting the determination, or fail to re-characterize waste when processes change.
- **Container Labeling and Marking:** Missing required labels, such as the words "Hazardous Waste," description of contents, or the accumulation start date.
- **Container Management (Open/Unsecured):** Containers holding hazardous waste are left open, not inspected for leaks, or not properly closed/sealed when not in use.
- **Accumulation Time Limits:** Storing waste longer than allowed by the generator's status (e.g., 90 days for large quantity generators).



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Common Violations Involve

- **Lack of Personnel Training:** Inadequate training or lack of annual training for employees handling hazardous waste.
- **Emergency Procedures:** Failure to maintain proper emergency equipment, inadequate aisle space for emergency access, or missing contingency plans.
- **Satellite Accumulation Area Issues:** Containers in satellite areas are not closed, labeled, or are over capacity.
- **Incompatible Waste Storage:** Storing incompatible wastes together, posing fire or reaction risks.



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2 Most Common Cited Violations

- Rule 23.279.22(b) – Condition of units. Containers and aboveground tanks used to store used oil must be in good condition and not leaking.
- Rule 23.279.22(c) – Containers and aboveground tanks used to store used oil must be labeled with the words “Used Oil.”







UNIVERSITY OF CALIFORNIA
SANTA BARBARA

700
600
500
400
300
200
100

700
600
500
400
300
200
100



Defol-5





5

PLUS-50 II

INVADED

RST



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RST Mission Statement:

- **Regulated Storage Tanks (RST) Division drafts, administers, and enforces state regulations pertaining to underground storage tanks, as well as aboveground petroleum storage tanks. These tanks are primarily located at retail gasoline and diesel sales facilities but may also include bulk petroleum storage facilities, private fleet fueling facilities, schools, health facilities, and emergency generating stations.**
- **Besides overseeing the regulatory program, the office administers a trust fund for storage tank owners to help them meet their financial responsibility requirements or use for cleanup costs. The agency also may activate the fund for emergencies associated with storage tanks.**



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LUST and LAST Investigations

- Leaking Underground Storage Tank (LUST) investigations are conducted at facilities that report a suspected release.
- Leaking Aboveground Storage Tank (LAST) investigations are conducted at facilities that report releases from aboveground storage tanks that range in size from 1,320 – 40,000 gallons and store a refined petroleum product as defined in Rule 12.



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RST Investigations

	January	February	March	April	May	June	July	August	September	October	November	December	Total
Complaints	0	0	0	1	0	0	0	0	1	1	1	3	7
Compliance Assist	0	0	0	0	0	0	1	1	1	0	0	2	5
LUST/LAST													
Notifications	12	9	19	2	10	7	16	11	10	11	6	3	116
Confirmed LUST/LAST	5	6	11	1	2	1	6	3	0	4	3	1	43
New Tanks Installed	2	14	0	8	0	0	6	6	10	2	0	0	48
Tanks Closed	0	0	11	1	0	0	1	0	0	3	0	0	16
On-Site Follow-up	0	2	2	0	1	1	7	5	9	8	6	4	45
Full Compliance	107	111	121	115	101	107	127	119	108	102	92	65	1275
Enforcement Referrals	3	2	0	1	5	0	4	0	1	1	2	4	23



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2 Most Common Cited Violations

- Rule 12.110(G)(1) – Failure to properly operate or maintain release detection equipment.
- Rule 12-110(G)(2) – Failure to properly operate or maintain spill, overflow, or corrosion protection equipment.



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This is a pic of a rectifier box, however the electrical components have been removed so the facility did not have corrosion protection for the tank system.



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But Also, Floating Tanks



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AUTO

A & B
TIRE SHOP
LUBE
LANTERA

POINT CONVENIENCE



SW



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Solid Waste Mission Statement:

- **DEQ's Solid Waste Management Division works to ensure that solid waste is handled, processed, recycled, or disposed of in ways that protect our environment and in accordance with federal and state regulations.**
- **Office staff provides technical review and assistance to solid waste facilities during the permitting process, monitors groundwater near landfills, supervises landfill closures, and regulates composting facilities and transfer, waste recovery, and waste tire processing stations.**



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Solid Waste Inspections 2025

- **Compliance Evaluation Inspections (CEI) – 693**
 - 209 of those inspections resulted in at least one (1) violation
 - 484 of those inspections resulted in a no violation report
 - So, approximately 70% of these facilities were in compliance

- **Complaint Investigations – 531 Submittals in SEEK**
 - 411 of those were Referred to Other Agency (RTOA)
 - 82 of those were Investigated No Evidence Found (INEF)
 - 28 of those were cited at least one (1) violation
 - 1 of those was operating under a regulatory exemption
 - 9 of those were referred to OLR Enforcement Division



2 Most Common Cited Violations for permitted facilities

- **8 CAR § 60-411(o)(2) – Areas of leachate seepage, or areas exhibiting evidence of leachate seepage such as staining and discoloration of the cover system, shall be promptly repaired.**
- **8 CAR § 60-413. Cover Material Requirements.**
 - (a) Dailey cover.
 - (b) Alternate cover materials.
 - (c) Interim cover material requirements.



3 Most Common Cited Violations for unpermitted facilities

- § 8-6-205(a)(2): To construct, install, alter, modify, use, or operate any solid waste processing or disposal facility or disposal site without a permit from the department.
- § 8-6-205(a)(3): To dispose of solid wastes at any disposal site or facility other than a disposal site or facility for which a permit has been issued by the department. Individual' s household disposal that creates a public or private nuisance or a hazard to health and/or violates a city ordinance or other law and/or involves the open dumping of garbage.
- § 8-6-205(a)(5): To sort, collect, transport, process, or dispose of solid waste contrary to the rules, regulations, or orders of the department, or create or likely to create a public nuisance or public health hazard or to cause or likely to cause water or air pollution (Ark. Water and Air Pollution Control Act §8-4-101 et seq.).



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EO



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EO Program Mission Statement:

- EOs are responsible for investigating complaints of environmental nuisances including litter, illegal dumping, remediation, and enforcement actions.
- EOs are empowered to ensure compliance with state law prohibiting illegal dumping of solid waste.
- EOs enter public or private property within the state to inspect suspected illegal dump sites, littering, or related complaints.
 - Enter public or private property to collect evidence of illegal dumping of solid waste and littering and present the evidence to the prosecuting attorney or a court of competent jurisdiction where the offense was committed.



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Current EO Map



Denotes RSWMD that have an EO

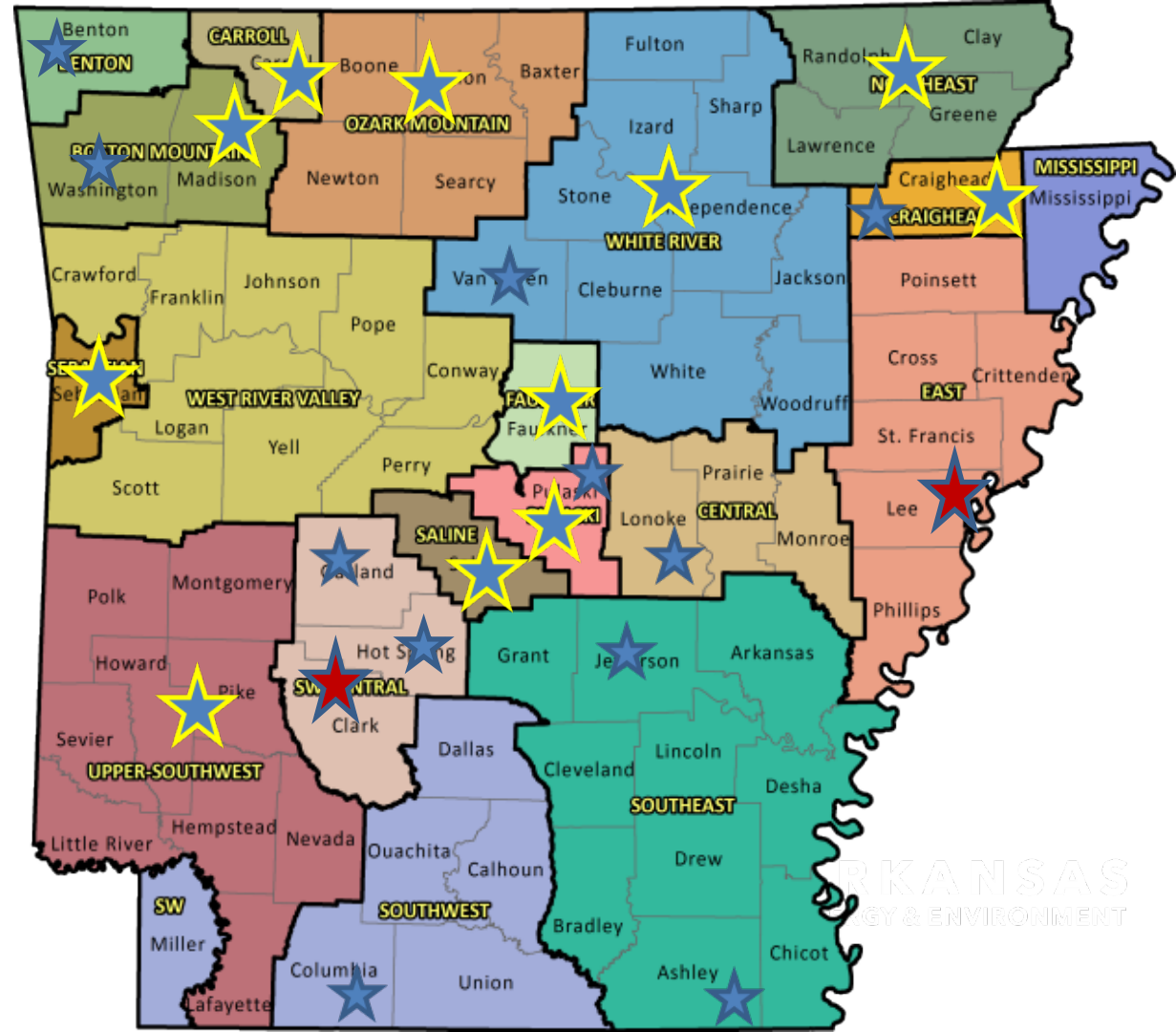


Denotes cities or counties that have an EO



Denotes Planning & Development District EO

❖ All EOs are limited to the jurisdictional boundaries of their employer.





West Central Planning & Development District Jurisdiction:

- Johnson, Pope, Conway, Yell, Perry, [West River Valley RSWMD]
- Montgomery, Pike [Upper Southwest RSWMD]
- Garland, Hot Spring, Clark [Southwest Central RSWMD]



East Arkansas Planning & Development District Jurisdiction:

- Clay, Greene, Lawrence, Randolph [Northeast RSWMD]
- Craighead [Craighead County RSWMD]
- Poinsett, Cross, Crittenden, St. Francis, Lee, Phillips [East AR RSWMD]
- Mississippi [Mississippi County RSWMD]





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Authority § 8-6-2011

- ✓ Enter public or private property within the state to **inspect** suspected illegal dump sites, littering, or related complaints
- ✓ Enter public or private property to **collect evidence** of illegal dumping of solid waste and littering and present the evidence to the prosecuting attorney or a court of competent jurisdiction where the offense was committed.

Shingle Pile

Legend

-  Distance to Runway
-  Untitled Polygon

Google Earth

Image © 2025 Airbus

300 ft



N



Shingle Pile

1/2 mile away from end of runway

Legend

-  Distance to Runway
-  Untitled Polygon

Ferwood Rd

107



End of Runway Waste Pile



Cont.





**Crawford
County:**

**Asphalt
Innovations**









**Any guesses
as to what
this is?**

**This is in
Union County**



Carbide Lime

calcium
hydroxide – a
byproduct
resulting from
the production
of acetylene
gas

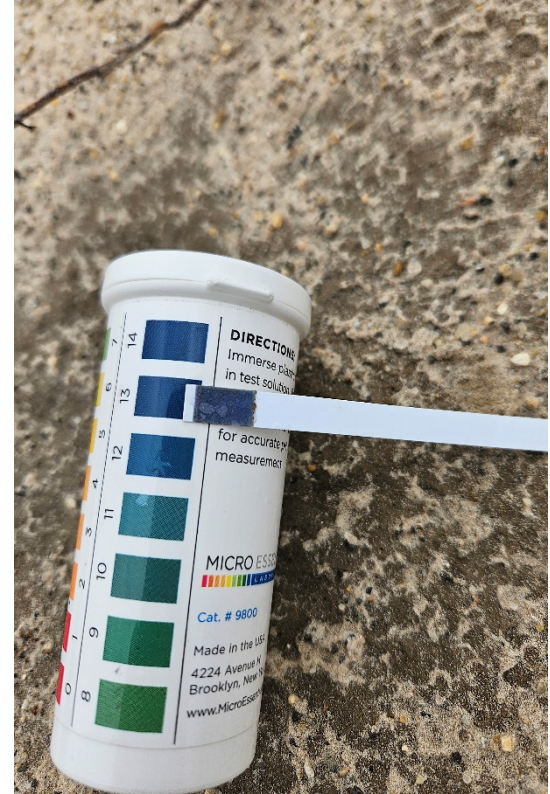
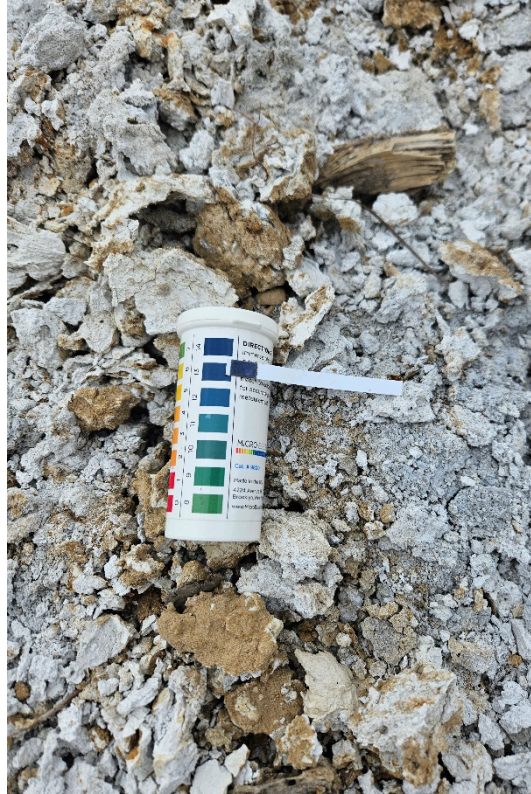


Pooled Liquid



pH Test Kit

If a waste is aqueous and has a pH of 12.5 or less or a pH of 2.0 or more, it is classified as corrosive and therefore hazardous.



- **While not hazardous, carbide lime is alkaline and should be kept from entering the environment in uncontrolled settings.**
- **At this site, approximately 6,000 cubic yards were openly dumped across approximately 1 acre, with no access controls to prevent the public from entering.**

Environmental Citation



ACA § 8-6-2005 (1)

Illegal dumping of solid waste on public or private property.



ACA § 8-6-2005 (2)

Creation or participation in the creation of furtherance of an illegal dump site



ACA § 8-6-2005 (3)

Disposal of solid waste has resulted from a property owner's own household activities on his or her own land that:

- Creates a public or private nuisance
- Is a hazard to health
- Involves the open burning of garbage

Ticket Number: **01276**
ENVIRONMENTAL CITATION
State of Arkansas

COURT APPEARANCE

You are directed to appear on the _____ day of _____, 20____,
in District Court of _____ County, located
at _____ at _____ a.m./p.m.

I PROMISE TO APPEAR IN SAID COURT AT SAID TIME AND PLACE.
I UNDERSTAND THE ABOVE AND THAT MY SIGNATURE IS NOT AN ADMISSION OF GUILT.

THE UNDERSIGNED issuing officer, duly authorized to issue environmental
violation citations, on the _____ day of _____, 20____, has identified evidence
or has reason to believe the violation(s) set forth below were committed
by or were found to be on the property of:

NAME: _____

DL#/DOB: _____ PHONE: _____

MAILING ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

SITE LOCATION: _____

The above listed person is accused of violating provisions of the following
State environmental law(s):

violation of the Used Tire Recycling and Accountability Act,
A.C.A. §8-9-401 et seq.

violation of A.C.A. §8-6-2005 (1), illegal dumping of solid waste on public
or private property.

violation of A.C.A. §8-6-2005 (2), the creation or participation in the
creation or furtherance of an illegal dump site;

violation of A.C.A. §8-6-2005 (3), the disposal of solid waste has
resulted from a property owner's own household activities on his or her
own land that:

(A) Creates a public or private nuisance;

(B) Is a hazard to health; or

(C) Involves the open dumping of garbage

Remediation must be completed by the _____ day of _____, 20____.
DEQ permitted facility disposal/processing receipts are required to
be submitted to the issuing officer by the remediation completion
date listed above.

**FAILURE TO APPEAR IN COURT AS DIRECTED IS GROUNDS FOR
ISSUANCE OF AN ARREST WARRANT.**

SIGNATURE: _____

The undersigned further states that he/she has just and reasonable grounds
to believe that the accused committed the offense as stated herein either by
causing or permitting the indicated violation contrary to law on said property
within _____ County.

ISSUING OFFICER: _____ LICENSE #: _____

For further information regarding this notice, contact
_____ at _____

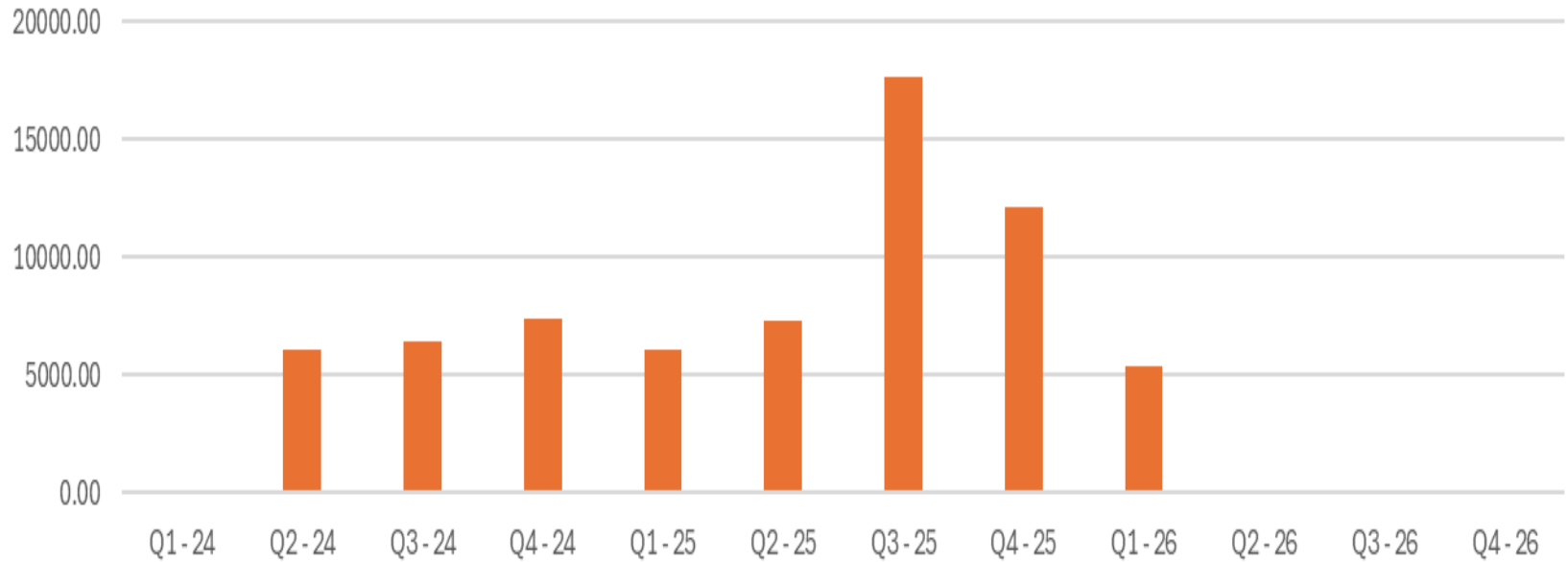
Metrics

- **Six (6) Metric Categories:**
 - Waste Removed (tons)
 - Cost as Scales
 - Recycle \$ Received
 - Acres Returned to Use
 - Tires Removed
 - Fines



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Waste Removed (tons)

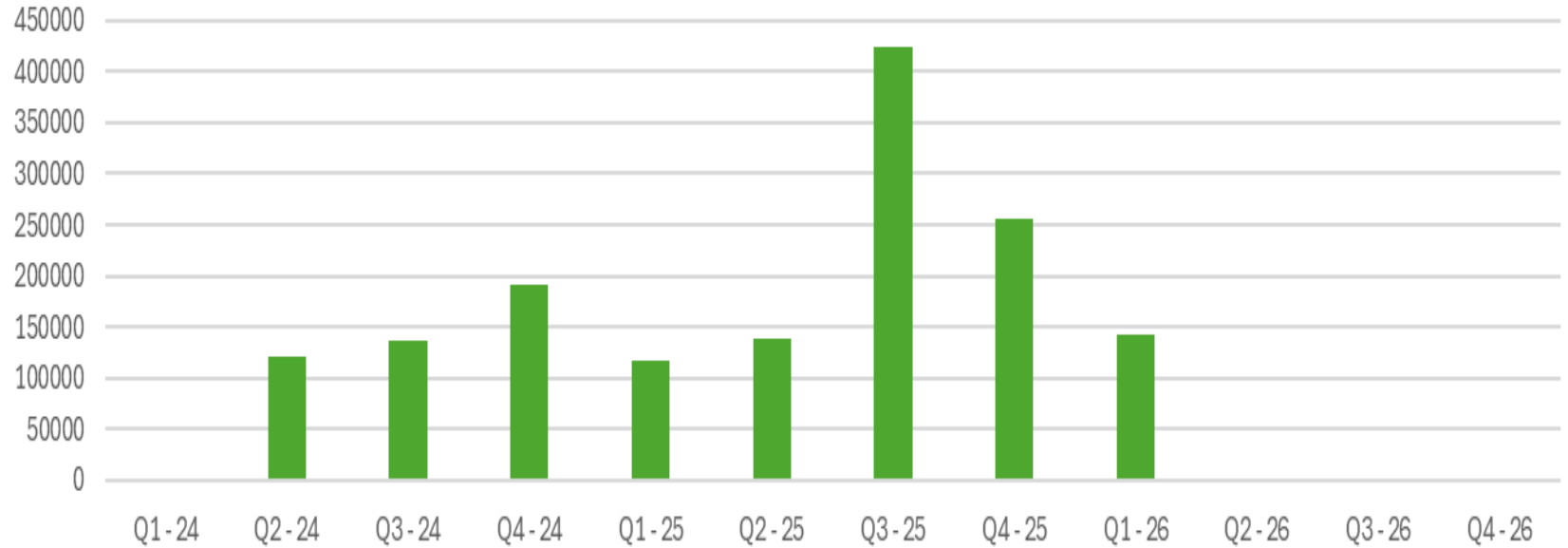


2024: 19,829.19

2025: 40,318.08

2026: 5,388.08

Cost at Scales \$

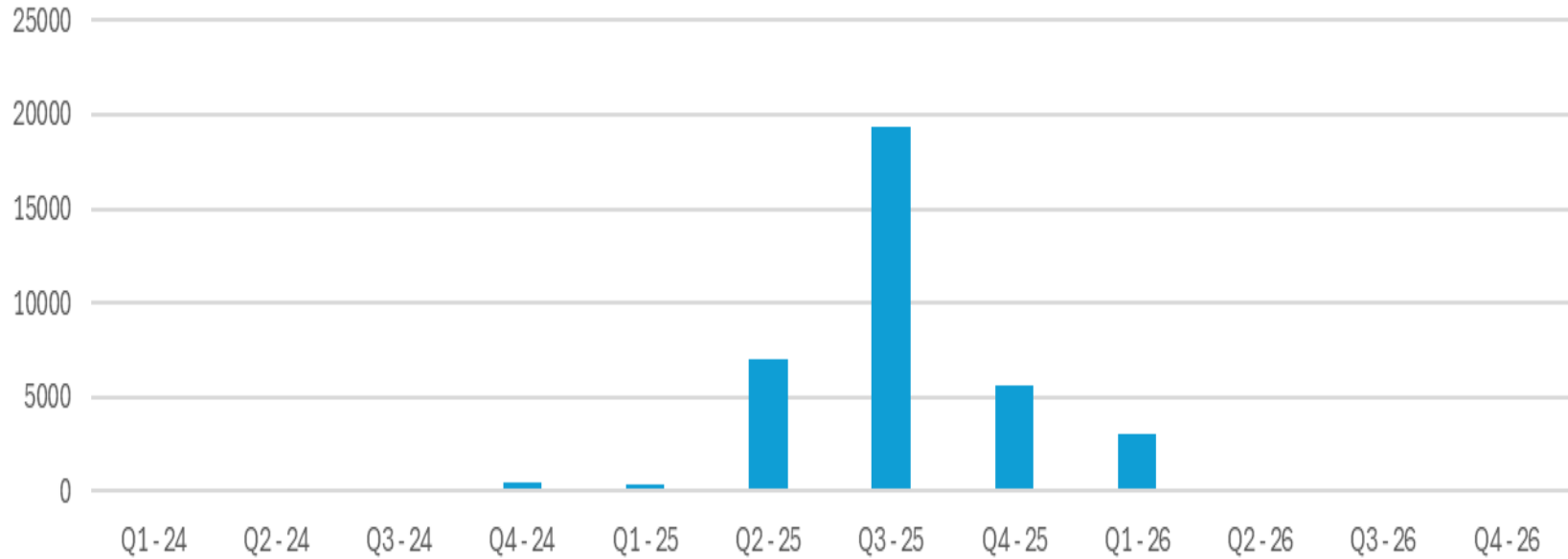


2024: \$449,542.36

2025: \$936,808.67

2026: \$142,607.94

Recycle \$ Received

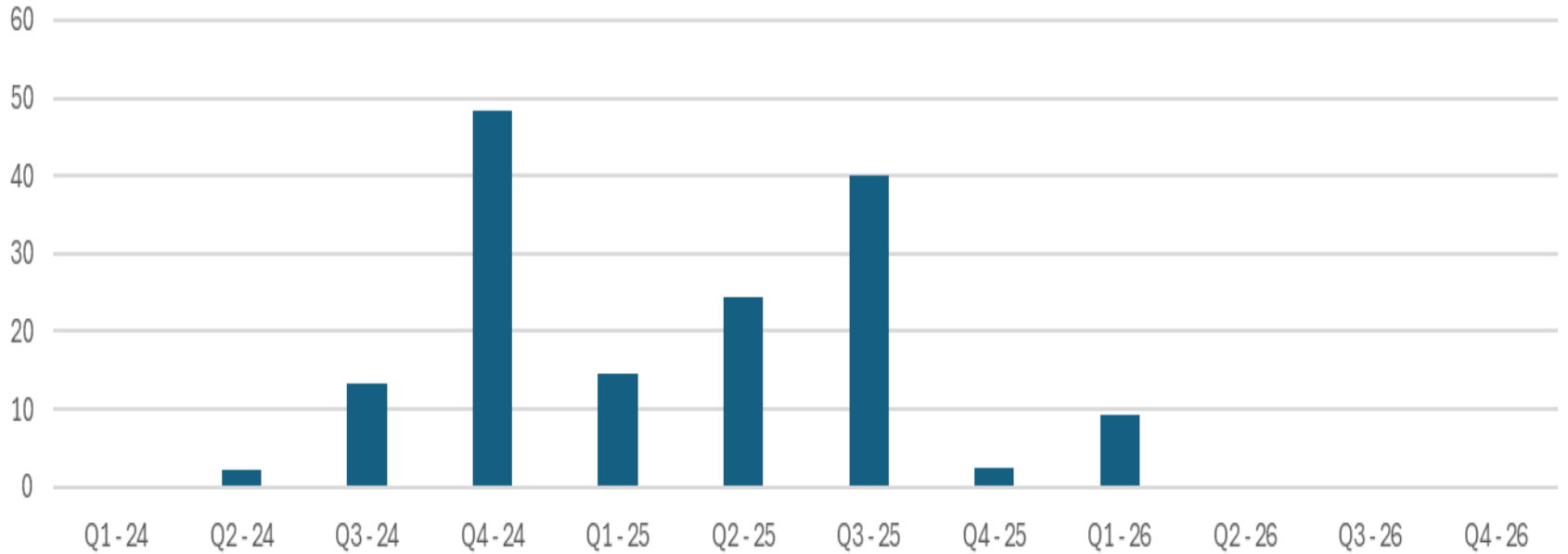


2024: \$466.00

2025: \$32,311.82

2026: \$3,065.85

Acres Returned to Use

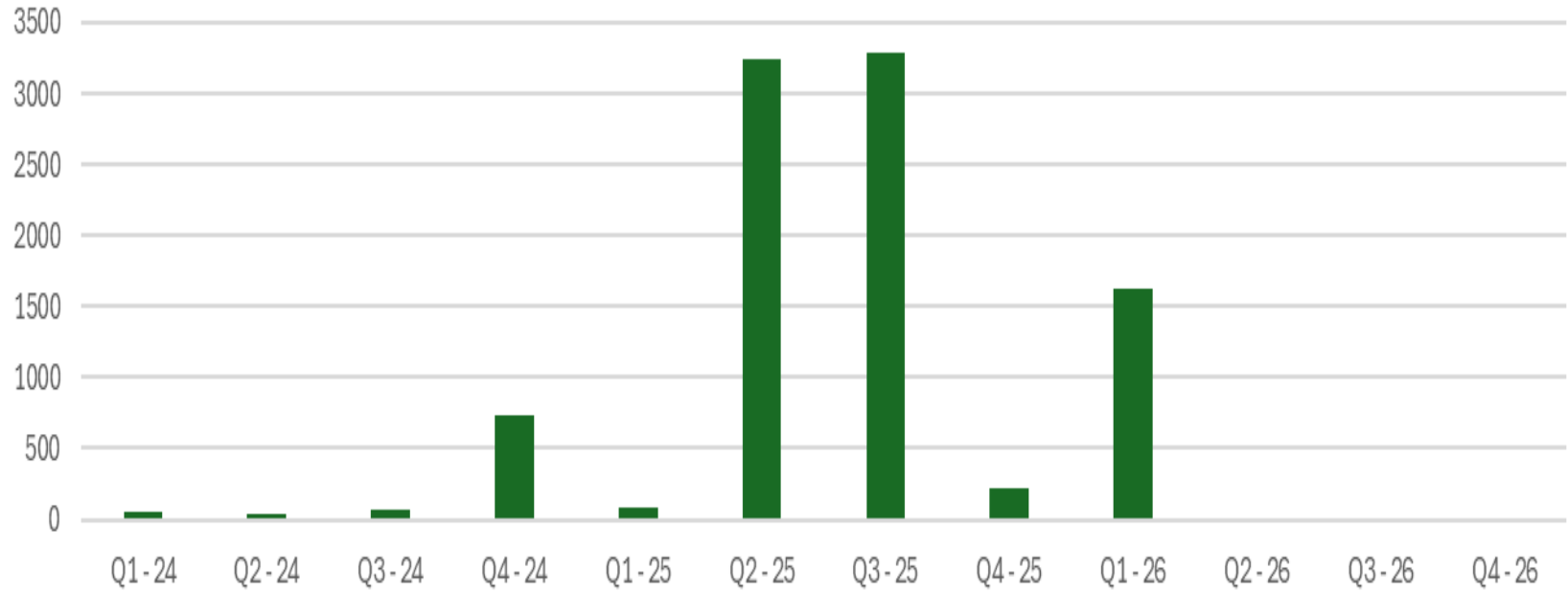


2024: 63.98

2025: 81.53

2026: 9.16

Tire Removed



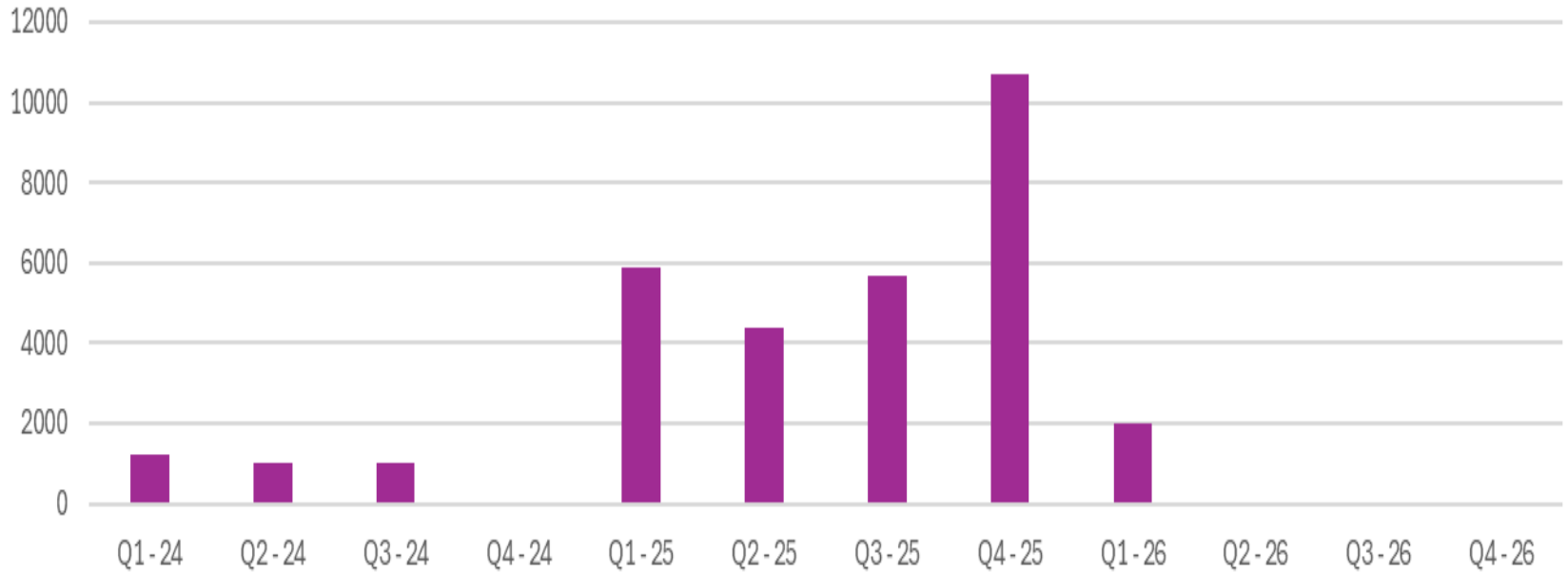
2024: 899

2025: 6,847

2026: 1,628

Goal: 14,000

Fines \$

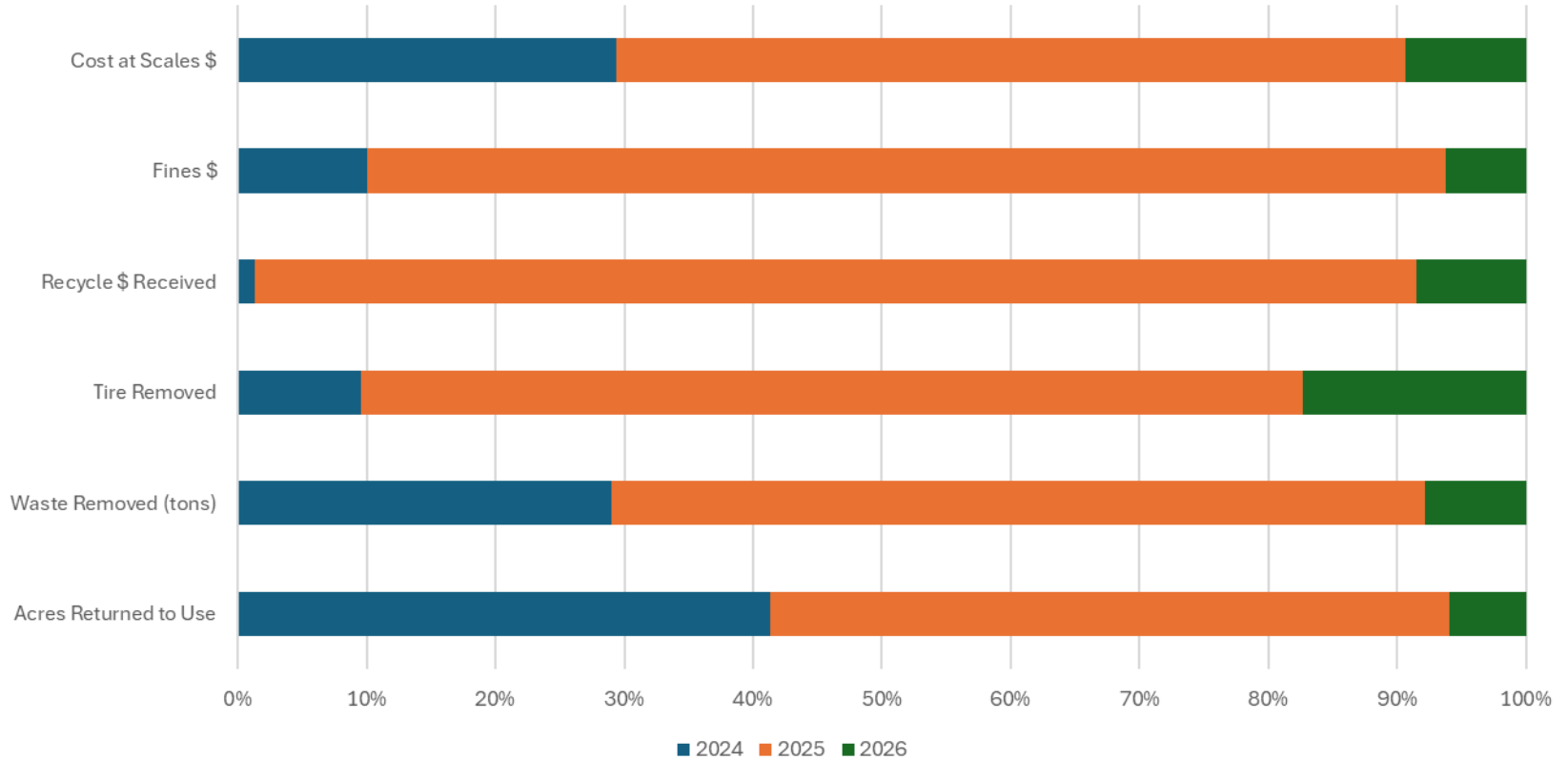


2024: \$3,200

2025: \$26,700

2026: \$2,000

2024 vs 2025 vs 2026



Environmental Officer

DEQ encourages local government involvement in the Environmental Officer program.

Contact Ryan Hayden to learn more about partnering with DEQ in this effort towards eradicating illegal dumps.

01

Inspect

02

Generate
Revenue

03

Enforcement
and
Prevention



KEEP IN TOUCH



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North Little Rock, AR 72118



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