

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

IN THE MATTER OF:

LIS: 22-068

**MENA SHORT STOP, LLC.
420 HWY. 71 SOUTH
MENA, AR 71953**

EMERGENCY ORDER

The Chief Administrator of the Arkansas Department of Energy and Environment, Division of Environmental Quality (DEQ) has determined that emergency conditions exist due to a release of a regulated substance and that said release presents an imminent hazard and an emergency requiring immediate action to protect the public health, safety, and welfare, and the environment.

Therefore, pursuant to authority provided as set forth in Ark. Code Ann. § 8-7-809, and the rules promulgated thereunder; the Chief Administrator makes the following Findings of Fact and orders the following remedial actions to be taken immediately to remedy the emergency conditions.

FINDINGS OF FACT

1. On April 20, 2022, a regulated storage tank inspector from the Arkansas Department of Energy and Environment, Division of Environmental Quality (DEQ) was contacted by the Polk County ADEM about petroleum odors in the Corner Shoppe and Pony Express Printing (The Corner Shoppe), located at 822 Mena Street, approximately 200 feet south of the Mena Short Stop fueling station and convenience store located at 420 Highway 71 South, Mena, Polk County, Arkansas (the Site). The Lonny Goodwin Company, Inc., the equipment contractor at the Site, confirmed a fuel release on behalf of the responsible party (RP), Mena Short Stop, LLC. Mr. Goodwin contacted the RST inspector and reported a leak under a dispenser and 6 inches of free product gasoline in the tank pit monitoring well MW-2. The unleaded gasoline fuel tank was removed from service.
2. On April 21, 2022, the DEQ RST inspector conducted a follow-up inspection at the Site. Repairs were made to the pump and the unleaded tank was put back into service. Mena Short Stop hired Environmental Pollution Consultants, Inc. (EPC) to assist in the remediation activities at the Site.

3. The leaking underground storage tank (LUST) case was referred to DEQ RST Inspector Supervisor Randy Beard on April 22, 2022, and on April 25, 2022, the LUST case was referred to the RST Assessment and Remediation staff of DEQ for further review.
4. Emergency response activities at the Site were authorized by DEQ on April 30, 2022.
5. On May 1, 2022, an 8-hour Mobile Dual Phase Extraction (MDPE) event was conducted to remove leaked fuel from the UST basin.
6. On May 3-4, 2022 a 48-hour MDPE event was conducted to remove additional leaked fuel from the UST basin. Between May 1 and May 4, an estimated 1,031 vapor-equivalent gallons of petroleum was removed from the UST basin.
7. On May 10, 2022, DEQ received an updated report from EPC on the emergency response actions and results.
8. On May 11, 2022, DEQ requested additional emergency response activities.
9. On May 14, 2022, EPC excavated soil around the water meter behind The Corner Shoppe. The free product in the excavated area behind The Corner Shoppe measured 1.2 inches deep. Approximately 75 gallons of free product gasoline was removed.
10. On May 16, 2022, citing the inadequacy of EPC's efforts to abate acute vapor intrusion into the off-site property at The Corner Shoppe, DEQ staff requested services from its on-call contactor AECOM Technical Services. Requested actions were limited to the elimination of acute vapors into that commercial structure.
11. In response to the presence of petroleum contamination in soil and groundwater on the Site property, as well as on adjacent properties (including The Corner Shoppe), DEQ requested an Interim Remediation Work Plan to "remove as much contamination as possible, as quickly as possible" commencing with a underground storage tank (UST) system removal and over-excavation of contaminated soils. DEQ made this determination based upon the threat of continued migration of contamination onto adjacent properties, the age of the tanks, (33 years), and evidence of previously unreported spills. Under the direction of the Mena Short Stop, EPC instead submitted a work plan to only excavate contaminated soils on the adjacent impacted properties.
12. EPC's remediation work plan failed to address DEQ's request for removal of petroleum-contaminated soil or groundwater from the facility Site and

offered no alternate plan for remediation of the facility Site. Subsequent to submission of their limited work plan, Saraswati Bhandari of Mena Short Stop communicated the desire to take a “phased” approach to remediating the property and did not want to remove the UST system because it would “put us out of business”. Neither Bhandari for Mena Short Stop nor the consultant EPC offered an alternative plan to meet DEQ’s requested objective of removing “as much contamination as possible as quickly as possible”.

Based on the facts and nature of this situation, the Chief Administrator determines that an emergency exists and issues this Order pursuant to Ark. Code Ann. § 8-7-809.

ORDER of REMEDIAL ACTION

The Chief Administrator orders the following:

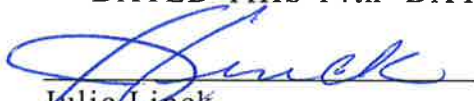
1. Immediate cessation of operation of the UST system at Mena Short Stop fueling station and convenience store located at 420 Highway 71 South, Mena, Polk County, Arkansas (the Site).
2. The RP immediately initiate the necessary corrective action at the facility Site for removal of the UST system and surrounding contamination, including but not limited to removal of all existing product from the UST system, contracting with a licensed contractor with a date of commencement, and submission of an acceptable work plan demonstrating the technical capability and commitment of necessary financial resources adequate for the scope of the work.
3. If the RP fails to comply as ordered within the next 24 hours from issuance of this order, DEQ shall take immediate corrective action to protect the public health, welfare and the environment by removing the UST system and removing the petroleum contamination that surrounds the UST system as quickly as possible to eliminate further migration of fuel onto the adjacent properties.

To prevent endangerment to public health, safety, and welfare and to the environment, DEQ shall take necessary actions to include hiring and paying for personnel and equipment to properly abate the endangerments with such costs being billed to the responsible party, if identified, along with applicable charges as allowed by law, in accordance with Ark. Code Ann. § 8-7-801 *et seq.* and § 8-7-901 *et seq.*

Nothing in this Order shall limit the rights of DEQ to issue further orders to pursue any further enforcement actions for remediation, penalties, and costs from any party.

This Order is effective immediately upon issuance and is confirmed by signature of the Chief Administrator.

DATED THIS 14th DAY of JUNE, 2022, at 8:03 a.m.



Julie Linck,
Chief Administrator, Division of Environmental Quality