

ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

LIS: 18-102

BTS EQUIPMENT, LLC
Illegal Disposal Site
Trafalgar Road
Bella Vista, AR

ERC#:18-0372

DATE: December 21, 2018

EMERGENCY ORDER OF THE DIRECTOR

The Director of the Arkansas Department of Environmental Quality ("ADEQ or "Department") has determined that emergency conditions exist because of the discovery of a hazardous substance at an illegal disposal site located on Trafalgar Road in Bella Vista, Arkansas.

The release or threatened release of the potentially hazardous substance(s) may present an imminent and substantial endangerment to the public health, safety or welfare or to the environment.

Therefore, pursuant to authority provided by the Remedial Action Trust Fund Act as set forth in Ark. Code Ann. § 8-7-501 *et seq.*; the Arkansas Hazardous Waste Management Act as set forth in Ark. Code Ann. § 8-7-201 *et seq.*; the Arkansas Solid Waste Management Act as set forth in Ark. Code Ann. § 8-6-201 *et seq.*; the Arkansas Water and Air Pollution Control Act as set forth in Ark. Code Ann. § 8-4-101 *et seq.* and the regulations promulgated thereunder; the Director makes the following Findings of Fact and orders the following removal actions to be taken immediately to remedy the emergency conditions.

FINDINGS of FACT

1. On August 2, 2018, the ADEQ received a complaint of an underground fire at an illegal disposal site located on Trafalgar Road, Bella Vista, Arkansas. The site is approximately 4.75 acres in area and 60 feet deep. The illegal disposal site was established by the Bella Vista Property Owners Association (POA) in or around 2006 and closed in 2016. The illegal disposal site was unsupervised for approximately two years. It consists of layers of compacted clay, extensive amounts of vegetative debris, wiring, miscellaneous construction debris, refined petroleum products, automotive batteries, and swimming pool liners which are known contaminant sources containing volatile organic carbons (VOCs) that are likely to complete human health and ecological receptor pathways. Environmental Protection Agency (EPA) air sampling events have reported the presence of benzene emissions at the site. With

residential properties within close proximity, the presence of benzene or other sources are of potential concern via the inhalation pathway. Sensitive populations with compromised respiratory or immune systems could be at greater risk of potential adverse health effects. The Arkansas Department of Health has issued a health advisory to resident of the area.

2. The owner of the property upon which the illegal disposal site is located is BTS Equipment, LLC (BTS). BTS has advised ADEQ that they are financially unable to extinguish the fire and conduct necessary removal actions.
3. Based upon ADEQ field investigation and air sampling results presented by the EPA, there is a presence of burning hazardous substances and the threat of release of hazardous substances which present potential harm to public health, safety, or to the environment.

Based on the facts and nature of this situation, the Director has determined that an emergency exists and issues a verbal order, as allowed by Ark. Code Ann. § 8-7-508, of removal action in accordance with Ark. Code Ann. § 8-1-202(b)(2)(C), § 8-4-220, § 8-4-304, § 8-6-202, § 8-7-213, § 8-7-214 and § 8-7-508(h).

ORDER of REMOVAL ACTION

The Director, on December 21, 2018, orders the following actions be taken:

1. A consultant/contractor capable of assessing and formulating a plan for the extinguishing of the fire and removal of the hazardous substances shall be hired to complete such a plan. This plan shall include extinguishing the fire, containerizing hazardous substances that exceed risk based standards, transporting, securely storing, characterizing and identifying and properly disposing of those materials;
2. The consultant/contractor shall properly collect, package, transfer into or over pack in appropriate Department of Transportation (DOT)-approved containers, all hazardous substances and hazardous wastes on-site, label said containers and secure them to avoid further spillage or releases;
3. The consultant/contractor shall transport and securely store the hazardous substance/waste in accordance with all applicable regulations. If the consultant/contractor does not have an EPA identification number, ADEQ may authorize the immediate removal to an ADEQ approved location without a number or preparation of a manifest per DOT 49 CFR 171.3(c) and APC&EC Regulation No. 23 § 263.30(b). Storage, holding time and

movement of the hazardous substance/waste from said site must be in accordance with all applicable laws and regulations;

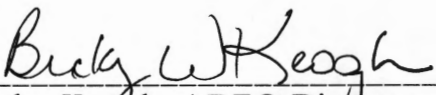
4. The Contractor shall characterize and identify the hazardous substance/hazardous waste;
5. The Contractor shall conduct proper disposal of all hazardous substances/wastes;
6. The Contractor shall provide all necessary documentation as may be requested by ADEQ to include at a minimum: a report of activities conducted by the contractor, photographs, analysis, waste manifest and receipts issued by the facility receiving the material for final disposal, unless such activities were not necessary in the performance of the task(s); and
7. The Contractor shall provide detailed billing to ADEQ unless a responsible party is identified and assumes proper financial responsibility directly with the ADEQ secured Contractor.

To prevent endangerment to public health, safety or welfare or to the environment, ADEQ shall have use of moneys from the Remedial Action Trust Fund Act to 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.

Nothing in this Order shall limit the rights of ADEQ to issue further orders to pursue any further enforcement actions for remediation, penalties or costs from any party determined to be responsible for such actions described in this Emergency Order.

This Order is effective immediately upon the signature of the Director.

DATED THIS 21st DAY of December, 2018


Becky Keogh, ADEQ Director