

ARKANSAS DEPARTMENT OF ENERGY AND ENVIRONMENT
DIVISION OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

LIS: 22-056

GARY COLES
Gc FARMS PARTNERSHIP
1012 U.S. HIGHWAY 64 EAST
AUGUSTA, ARKANSAS 72006

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 potentially hazardous substance(s) and that said release presents 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.*, Ark. Code Ann. § 8-7-809(b)(1), 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. The Arkansas Department of Energy and Environment, Emergency Management (E&E EM) was notified via a National Response Center (NRC) report on April 26, 2022 about a diesel fuel release into approximately 1100 feet of ditch in the 1000 block of Highway 64 East in Augusta, Arkansas. The Arkansas Department of Transportation contained the release in the ditch by building sand berms on either side of the release.
2. On April 27, 2022, E&E EM contacted the Woodruff County OEM Coordinator who stated that she had been to the site on April 26th and 27th. The OEM Coordinator further stated that the release may have started in the Gc Farms Partnership's grainery parking lot directly adjacent to the ditch. The OEM Coordinator stated that no one has been

present at the facility during either day of her investigation. She said the release is still contained but has extensively impacted the ditch.

3. On April 27, 2022, the ADEM Northeast Arkansas Area Coordinator also called E&E EM to discuss observations. The ADEM Coordinator confirmed the location and extent of the release and sent photographs. The ADEM Coordinator also said the release appeared to have started in the grainery parking lot and that a vehicle may have pulled into the parking lot after experiencing some mechanical problems and discharged the fuel and then left the scene. The ADEM Coordinator was concerned that a rain event may break the improvised containment and send contaminated water into a nearby neighborhood.
4. E&E EM then met with Jarrod Zweifel, Associate Director of DEQ's Office of Land Resources, after speaking with ADEM to discuss the incident and remediation of the ditch.
5. Later on the day of April 27, 2022, DEQ was informed by ADEM that the Responsible Party was Gary Coles, with Gc Farms Partnership. Mr. Coles informed the ADEM coordinator that, on or about April 15, 2022, that he had an old fuel truck inside of his shop building at 1012 U.S. Highway 64 in Augusta where someone accidentally opened a valve and caused the fuel to run out where it collected in a grain pit. This pit was then pumped out into a container. According to Mr. Coles, one of the workers tried to move the container with a forklift and dropped it causing the fuel to spill on the ground and into the ditch. The rain then caused the fuel to spread.
6. The "fuel" or hazardous substance that was released has been identified as diesel and burned oil.

Based on the facts and nature of this situation, the Chief Administrator determined that an emergency exists and issued a verbal order on April 27, 2022, pursuant to Ark. Code Ann. § 8-7-508(k).

ORDER of REMEDIAL ACTION

This written order confirms the Chief Administrator's April 27, 2022 verbal order and orders the following:

1. To remove and recover the hazardous substance released into the ditch as described above to protect the public health and safety and the environment.

To prevent endangerment to public health, safety, or welfare or to the environment, DEQ 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, in accordance with Remedial Action Trust Fund Act and specifically with Ark. Code Ann. § 8-7-514.

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 verbal issuance and is confirmed by signature of the Chief Administrator.

DATED THIS 3RD DAY of May, 2022.



Julie Linck
Chief Administrator, Environment
Arkansas Department of Energy and Environment