

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

IN THE MATTER OF:

**MKW Land LLC
703 AR 139
Monette AR 72447
(Parcel 06-157281-00300)**

**LIS: 25-032
ER: 25-0107**

Function Code: 62305

April 3, 2025 VERBAL ORDER DATE

Re: Tornado damage to diesel storage tanks in Craighead County

EMERGENCY ORDER OF THE DIRECTOR

The Director of the Arkansas Department of Energy and Environment (E&E), Division of Environmental Quality (DEQ), has determined that the release or threatened release of the potentially hazardous abandoned substance(s) presents an imminent and substantial endangerment to the public health, safety or welfare or to the environment and therefore that emergency conditions exist.

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 rules promulgated thereunder, the Director 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 the evening of April 2, 2025, a tornado struck the above-referenced farm facility.
2. On April 3, 2025, the Department of Energy and Environment's Emergency Management team was notified by ARDOT that red-dye diesel was impacting drainage ditches surrounding the property.
3. A site visit by E&E's inspector on April 3, 2025 revealed catastrophic storm damage at the site including the destruction of six grain bins, a quadplex apartment complex, and four onsite vertical and horizontal above-ground petroleum storage tanks (ASTs) containing an estimated 14,000 to 20,000 gallons of red-dye diesel that was leaking from the damaged ASTs. Heavy concentrations of fuel were noted onsite and had reached adjacent ditches

that flowed through a nearby residential area and near the Monette Manor nursing home.

4. Contact was made with Karen Wallace, owner of the impacted property, and her son Bradley Wallace.
5. Given the extent of the storm impact and damage, imminent heavy rainfall and the forecast for additional severe weather and heavy flooding in the area, it was apparent that immediate action was required to protect human health and safety as well as to mitigate further impact to waters of the state including the St. Francis River.

Based on the facts and nature of this situation, the Director determined that an emergency existed and issued a verbal order on April 3, 2025, as allowed by Ark. Code Ann. § 8-7-508(k), ordering immediate remedial 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 REMEDIAL ACTION

The Director, on April 3, 2025, ordered that:

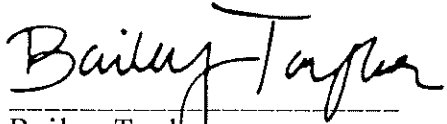
1. E&E immediately dispatch a remediation contractor to initiate remedial actions to mitigate the fuel spill for the safety of storm response teams and the surrounding area, prevent continued migration of released fuel to waters of the state and contain the hazardous substances and hazardous wastes at the impacted site;
2. That the remediation contractor provide all necessary documentation of cleanup and disposal as may be requested by E&E Emergency Management Services to include a report of activities conducted, lab analyses, photographs, waste manifest and receipts issued by the facility receiving the material for final disposal.

If necessary 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 appropriate allocation of costs as allowed by law.

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 on April 3, 2025 and is confirmed by signature of the Director.

DATED THIS 16th DAY of APRIL, 2025

A handwritten signature in cursive script, reading "Bailey Taylor". The signature is written in black ink and is positioned above a horizontal line.

Bailey Taylor
Director, Division of Environmental Quality