

ADEQ

ARKANSAS
Department of Environmental Quality

October 25, 2012

Mr. Tim Bean
Registered Agent for
Curt Bean Lumber Company, Inc.
64 Bean Drive
Glenwood, Arkansas 71943

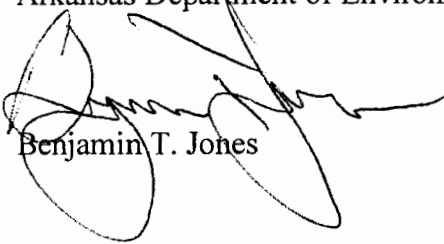
Re: In the Matter of Curt Bean Lumber Company, Inc.
LIS12-074

Mr. Bean,

Please find attached a Default Administrative Order (hereinafter "DAO") issued to Curt Bean Lumber Company, Inc. (hereinafter "Curt Bean Lumber"). You are being served with this DAO as the registered agent for Curt Bean Lumber. I would encourage Curt Bean Lumber to review Regulation 8 of the Arkansas Pollution Control and Ecology Commission for an explanation of its rights and obligations in regards to the DAO issued to it. Thank you for your time.

Sincerely,

Arkansas Department of Environmental Quality


Benjamin T. Jones

ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

**CURT BEAN LUMBER COMPANY, INC.
843 SOUTH MOUNTAIN ST.
AMITY, ARKANSAS
EPA ID ARD981913460
AFIN 55-00010**

LIS 12-074-NOV

DEFAULT ADMINISTRATIVE ORDER

This Default Administrative Order is issued by the Director of the Arkansas Department of Environmental Quality (hereinafter "ADEQ") to Curt Bean Lumber Company, Inc. (hereinafter "Respondent" or "Curt Bean Lumber"), pursuant to the Arkansas Hazardous Waste Management Act, Ark. Code Ann. § 8-7-201 *et seq.*, the Arkansas Remedial Action Trust Fund Act, Ark. Code. Ann. § 8-7-501 *et seq.*, and the Arkansas Pollution Control and Ecology Commission (hereinafter "APC&EC") Regulation 23, APC&EC Regulation 8, and APC&EC Regulation 7.

FINDINGS OF FACT

1. Curt Bean Lumber located in Amity, Arkansas, was in the business of treating wood for commercial customers. The yellow pine timber in the form of posts, poles, and lumber was treated in a pressurized chamber using Copper Chromate Arsenic (hereinafter "CCA") solution. The facility has not been in operation since August of 2010 according to Tim Bean who is president of Curt Bean Lumber.
2. On April 6, 2011, ADEQ conducted a Compliance Evaluation Inspection (hereinafter "CEI") at the Curt Bean Lumber facility. During the inspection ADEQ observed one treatment cylinder and drip pad discolored with what appeared to be CCA. Based on the condition of the drip pad, it does not appear that Curt Bean Lumber has conducted the appropriate closure activities.

3. During the inspection, ADEQ also observed an unmarked 500-gallon tank in the maintenance area with what appeared to be oily water in the secondary containment. Two (2) 5-gallon unmarked containers, appearing to contain used oil, were also located in the secondary containment area.
4. Based on the findings of the CEI, conditions were identified which constitute violations of APC&EC Regulation 23. The violations, as provided below, were identified in the CEI Report mailed to Respondent on June 13, 2011:
 - a. During the CEI on April 6, 2011, ADEQ observed one treatment cylinder and drip pad discolored with what appeared to be CCA. APC&EC Regulation 23 § 265.445(a) requires that, at closure, the owner or operator must remove or decontaminate all waste residues, contaminated containment system components (pad, liners, etc.), contaminated subsoils, and structures and equipment contaminated with waste and leakage, and manage them as hazardous waste. Based on the condition of the drip pad, it does not appear that Curt Bean Lumber has conducted the appropriate closure activities. Consequently, this action of the Respondent is also a violation of Ark. Code Ann. §§ 8-7-205(1) and (4).
 - b. ADEQ observed an unmarked 500-gallon tank in the maintenance area with what appeared to be oily water in the secondary containment. This condition is a violation of APC&EC Regulation 23 § 279.22(d)(3) which states that a used oil generator must clean up and manage properly the released used oil and other materials. Consequently, this action of the Respondent is also a violation of Ark. Code Ann. §§ 8-7-205(1) and (4).
 - c. As previously stated, ADEQ observed an unmarked 500-gallon tank in the maintenance area with what appeared to be oily water in the secondary containment.

Also, two (2) 5-gallon unmarked containers, appearing to contain used oil were also located in the secondary containment area. These actions are violations of APC&EC Regulation 23 § 279.22(c)(1) which states that containers and tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil". Consequently, this action of the Respondent is also a violation of Ark. Code Ann. §§ 8-7-205(1) and (4).

5. On April 16, 2012, ADEQ attempted to serve the Respondent with a Notice of Violation (hereinafter "NOV") LIS 12-074 (Exhibit A) by certified mail. The certified mail was returned to ADEQ as unclaimed.
6. On June 20, 2012, ADEQ served the Respondent with a NOV LIS 12-074 (Exhibit A) by Action Process Service (Exhibit B). Respondent was informed that a response to the NOV LIS 12-074 was required within twenty (20) days. As the Respondent was served with the NOV LIS 12-074 on June 20, 2012, the twenty (20) day response time concluded on July 9, 2012. The Respondent failed to respond to the NOV LIS 12-074 in a timely manner. In accordance with APC&EC Regulation 8.402, Administrative Procedures, Respondent failed to preserve its right to contest the proposed findings of fact and civil penalty assessment contained in the Notice of Violation. Pursuant to APC&EC Regulation 8.402., the allegations in the NOV are deemed proven and the Director hereby issues this Default Administrative Order ("DAO").

ORDER AND CIVIL PENALTY ASSESSMENT

1. Respondent shall within thirty (30) calendar days of the effective date of this DAO, submit to ADEQ for review and approval, a detailed drip pad closure plan (hereinafter "Closure Plan") to remove or decontaminate all waste residues, contaminated containment system components (pad, liners, etc.), contaminated subsoils, and structures and equipment contaminated with waste and leakage, and manage them as hazardous waste. The Closure Plan shall also include a groundwater monitoring plan. Respondent shall, within thirty (30) calendar days of written approval on the Closure Plan from ADEQ implement the Closure Plan and shall submit a final Closure Plan Report to ADEQ within sixty (60) calendar days from the Closure Plan approval date.
2. If ADEQ determines the Closure Plan fails to accomplish remediation sufficient to protect human health and the environment, Respondent shall, upon receiving written notification from ADEQ, conduct any additional remedial activities ADEQ determines necessary to protect human health and the environment from releases of hazardous substances or pollutants at the facility.
3. Respondent shall within thirty (30) calendar days of the effective date of this DAO, properly dispose of all used oil, solid and hazardous wastes that are on site at an approved off site location(s). Respondent shall provide ADEQ copies of manifests and bills of lading for the used oil, solid and hazardous waste.
4. Upon the effective date of this DAO and thereafter, immediately upon detection of a release of used oil and any other hazardous substance to the environment, Respondent shall:
 - a. Stop the release;
 - b. Contain the released used oil or hazardous substance;
 - c. Clean up and manage properly the released used oil and other hazardous substances; and

- d. If necessary, repair or replace any leaking used oil and hazardous substance storage containers or tanks prior to returning them to service.
5. Respondent shall provide financial assurance for the activities specified in the approved Closure Plan specified in the Order and Agreement Section of this DAO. Respondent shall, within thirty (30) calendar days of written approval of the Closure Plan provide financial assurance for the activities specified in the approved Closure Plan. Respondent must establish a detailed written estimate, in current dollars, of the costs of completing the Closure Plan. This cost estimate must be based on the costs to the Respondent of hiring a third party to complete the specified Closure Plan. The cost estimate must address, at a minimum, the necessary tasks to complete the specified Closure Plan, including investigation activities, and must account for all tasks and subtasks included in each activity (e.g., removal and disposal costs, sampling costs, etc.). It must account for all cost components (utilities, administration, profit and overhead, etc.); all direct costs (e.g., materials, labor, and equipment); and all indirect costs (e.g., supervisor fees, contractor fees, contingency fees, etc.). Respondent shall submit the completed cost estimate to ADEQ for evaluation of its completeness and technical accuracy within thirty (30) calendar days of ADEQ's approval of the Closure Plan. Upon approval of the cost estimate, ADEQ will notify Respondent in writing of such approval.
6. Within thirty (30) calendar days of approval of the cost estimate, Respondent shall establish financial assurance for the amount of the approved Closure Plan cost estimate. Respondent may use any method described in APC&EC Regulation 23 § 265.143(c) through (e) (i.e., letter of credit, insurance, or financial test and corporate guarantee), or any allowable combination of such methods, to establish said assurance.
7. While the Closure Plan actions are ongoing, Respondent shall revise the cost estimate within thirty (30) calendar days after a revision has been made to the Closure Plan actions which increases the cost of said Closure Plan actions and amend the financial assurances to reflect the increased costs. The cost estimate must be adjusted for inflation at least

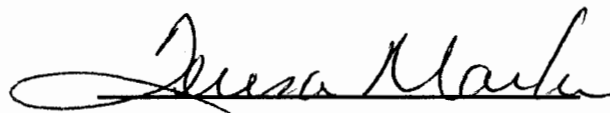
annually as described in APC&EC Regulation 23 § 265.142(b). The cost estimate may also be adjusted annually to remove costs associated with any activities completed.

8. For the violations herein above described, a civil penalty in the amount of TEN THOUSAND DOLLARS (\$10,000.00) is assessed against Respondent, as provided by Ark. Code Ann. § 8-7-204(c) and APC&EC Regulation 7. Payment shall be due within thirty (30) calendar days of the effective date of this DAO. Such payment shall be made payable to the ADEQ, Attention: Fiscal Division, 5301 Northshore Drive, North Little Rock, Arkansas 72118-5317.
9. Respondent hereby designates a Project Manager who shall be responsible for overseeing the implementation of all site investigation, remediation and closure activities subject to the requirements of this DAO. The Project Manager shall communicate with ADEQ on all technical issues which arise under this DAO and shall be empowered to agree on minor modifications in the implementation of any of the investigation or remediation tasks subject to the requirements of this DAO when such modifications are deemed by ADEQ to further the purpose of this DAO. Respondent may change the Project Manager by providing written notice of such change to the ADEQ. The initial Project Manager shall be:

Tim Bean, President
Curt Bean Lumber Company, Inc.
P.O. Box 590
Glenwood, Arkansas 71943
10. Respondent shall submit to ADEQ one (1) electronic and one (1) printed copy of all reports, documents, plans or specifications required under the terms of this DAO.

11. Nothing contained in this DAO shall be construed as a waiver of ADEQ's enforcement authority over violations not specifically addressed herein; nor does this DAO exonerate past, present, or future conduct which is not expressly addressed herein. Nothing contained herein shall relieve Respondent of any other obligations imposed by any local, state, or federal laws, nor shall this DAO be deemed in any way to relieve Respondent of its responsibilities for obtaining or complying with any necessary permits or licenses.

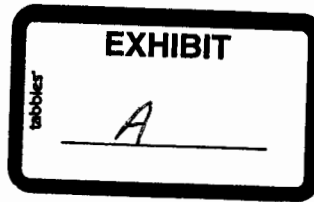
SO ORDERED this 17th day of September, 2012.



**TERESA MARKS, DIRECTOR
THE ARKANSAS DEPARTMENT
OF ENVIRONMENTAL QUALITY**

ADEQ

ARKANSAS
Department of Environmental Quality



April 16, 2012

CERTIFIED MAIL RECEIPT #
7009 0080 0000 5192 4016

Tim Bean, Registered Agent
Curt Bean Lumber
P.O. Box 590
Glenwood, AR 71943

IN RE: Notice of Violation, Lis No. 12-074; AFIN # 55-00010

Dear Mr. Bean:

Enclosed is a Notice of Violation issued to Curt Bean Lumber Company, Inc. on April 13, 2012, by the Director of the Arkansas Department of Environmental Quality.

Also enclosed is a copy of Regulation 8, Administrative Procedures. Regulation 8 establishes the right of a party to receive an administrative hearing on the alleged violations. Please note that any written appeal of the Notice of Violation must be received by the Arkansas Pollution Control and Ecology Commission secretary, 101 East Capitol, Suite 205, Little Rock, AR 72201 within twenty (20) days of your receipt of this letter. The written response must be in compliance with the requirements of Chapter 6 of Regulation 8. Failure to submit a written response within twenty (20) days of receipt of the Notice of Violation may result in issuance of a Default Administrative Order.

The penalties and corrective actions called for in the Notice of Violation are at this stage only proposed penalties and actions. This Notice of Violation is subject to public review and comment in accordance with Ark. Code Ann. § 8-4-103(d). The public notice date will be on or about April 25, 2012. ADEQ retains the right and discretion to rescind this Notice of Violation based on public comments received within the thirty day comment period. Resolution of the Notice of Violation will be by means of a Consent Administrative Order if you decide to pay the proposed penalty to settle the matter.

The Department is willing to discuss settlement of any or all matters described in the Notice of Violation. If you or your legal counsel desire to discuss settlement of this matter, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Guthrie".

Dawn R. Guthrie
Attorney Specialist

Curt Bean Lumber Company, Inc.

April 16, 2012

Page 2 of 2

Enclosures

cc: Pat Goff, Commission Secretary
Dawn R. Guthrie, Legal Division
Richard Healey, HazWaste Division

ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

CURT BEAN LUMBER COMPANY, INC.
843 SOUTH MOUNTAIN ST.
AMITY, ARKANSAS
EPA ID ARD981913460
AFIN 55-00010

LIS 12- 074

NOTICE OF VIOLATION

TO: Tim Bean, Registered Agent
Curt Bean Lumber
P.O. Box 590
Glenwood, Arkansas 71943

NOTICE is hereby given that the Director of the Arkansas Department of Environmental Quality (hereinafter "ADEQ") has determined that there are reasonable grounds to believe that Curt Bean Lumber Company, Inc. (hereinafter "Respondent" or "Curt Bean Lumber") has committed the following violations of the Arkansas Hazardous Waste Management Act, Ark. Code Ann. § 8-7-201 *et seq.*, the Arkansas Remedial Action Trust Fund Act, Ark. Code Ann. § 8-7-501 *et seq.*, the Arkansas Water and Air Pollution Control Act, Ark. Code Ann. § 8-4-101 *et seq.*, and the Arkansas Pollution Control and Ecology Commission (hereinafter "APC&EC") Regulation 23.

This Notice of Violation (hereinafter "NOV") is issued in accordance with the provisions of APC&EC Regulation 7: Civil Penalties; and APC&EC Regulation 8: Administrative Procedures.

ALLEGATIONS AND PROPOSED FINDINGS OF FACT

1. Curt Bean Lumber located in Amity, Arkansas, was in the business of treating wood for commercial customers. The yellow pine timber in the form of posts, poles, and lumber was treated in a pressurized chamber using Copper Chromate Arsenic (hereinafter "CCA") solution. The facility has not been in operation since August of 2010 according to Tim Bean who is president of Curt Bean Lumber.
2. On April 6, 2011, ADEQ conducted a Compliance Evaluation Inspection (hereinafter "CEI") at the Curt Bean Lumber facility. During the inspection ADEQ observed one treatment cylinder and drip pad discolored with what appeared to be CCA. Based on the condition of the drip pad, it does not appear that Curt Bean Lumber has conducted the appropriate closure activities.
3. During the inspection, ADEQ also observed an unmarked 500-gallon tank in the maintenance area with what appeared to be oily water in the secondary containment. Two (2) 5-gallon unmarked containers, appearing to contain used oil, were also located in the secondary containment area.
4. The violations, as provided below, were identified in the CEI Report mailed to Respondent on June 13, 2011 and are hereby incorporated by reference into this NOV and are attached as Exhibit A:
 - a. During the CEI on April 6, 2011, ADEQ observed one treatment cylinder and drip pad discolored with what appeared to be CCA. APC&EC Regulation 23 § 265.445(a) requires that, at closure, the owner or operator must remove or decontaminate all waste residues, contaminated containment system components (pad, liners, etc.), contaminated subsoils, and structures and equipment contaminated with waste and leakage, and manage them as hazardous waste. Based on the condition of the drip

pad, it does not appear that Curt Bean Lumber has conducted the appropriate closure activities. Consequently, this action of the Respondent is also a violation of Ark. Code Ann. §§ 8-7-205(1) and (4).

b. ADEQ observed an unmarked 500-gallon tank in the maintenance area with what appeared to be oily water in the secondary containment. This condition is a violation of APC&EC Regulation 23 § 279.22(d)(3) which states that a used oil generator must clean up and manage properly the released used oil and other materials. Consequently, this action of the Respondent is also a violation of Ark. Code Ann. §§ 8-7-205(1) and (4).

c. As previously stated, ADEQ observed an unmarked 500-gallon tank in the maintenance area with what appeared to be oily water in the secondary containment. Also, two (2) 5-gallon unmarked containers, appearing to contain used oil were also located in the secondary containment area. These actions are violations of APC&EC Regulation 23 § 279.22(c)(1) which states that containers and tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil". Consequently, this action of the Respondent is also a violation of Ark. Code Ann. §§ 8-7-205(1) and (4).

5. The Respondent has not contacted ADEQ regarding correction of the violations cited in the April 6, 2011 CEI.

THEREFORE, for the violations herein described, the following actions are proposed to be ordered herein and the following civil penalties are proposed to be assessed.

PROPOSED CORRECTIVE ACTION AND CIVIL PENALTY ASSESSMENT

1. Upon the effective date of a final Order in this matter, Respondent shall submit to ADEQ for review and approval, a detailed drip pad closure plan (hereinafter "Closure Plan") to

remove or decontaminate all waste residues, contaminated containment system components (pad, liners, etc.), contaminated subsoils, and structures and equipment contaminated with waste and leakage, and manage them as hazardous waste. The Closure Plan shall also include a groundwater monitoring plan. Respondent shall, within thirty (30) calendar days of written approval on the Closure Plan from ADEQ implement the Closure Plan and shall submit a final Closure Plan Report to ADEQ within sixty (60) calendar days from the Closure Plan approval date.

2. If ADEQ determines the Closure Plan fails to accomplish remediation sufficient to protect human health and the environment, Respondent shall, upon receiving written notification from ADEQ, conduct any additional remedial activities ADEQ determines necessary to protect human health and the environment from releases of hazardous substances or pollutants at the facility.
3. Upon the effective date of a final Order in this matter, Respondent shall properly dispose of all used oil, solid and hazardous wastes that is on site at an approved off site location(s). Respondent shall provide ADEQ copies of manifests and bills of lading for the used oil, solid and hazardous waste.
4. Upon the effective date of this final Order and hereforth out in this matter, immediately upon detection of a release of used oil and any other hazardous substance to the environment:
 - a. Stop the release;
 - b. Contain the released used oil or hazardous substance;
 - c. Clean up and manage properly the released used oil and other hazardous substances; and
 - d. If necessary, repair or replace any leaking used oil and hazardous substance storage containers or tanks prior to returning them to service.
5. Respondent shall provide assurance of financial responsibility for the activities specified in the approved Closure Plan specified in the Order and Agreement Section of this

Order. Respondent shall, within thirty (30) calendar days of written approval of the Closure Plan provide assurance of financial responsibility for the activities specified in the approved Closure Plan. Respondent must establish a detailed written estimate, in current dollars, of the costs of completing the Closure Plan. This cost estimate must be based on the costs to the Respondent of hiring a third party to complete the specified Closure Plan. The cost estimate must address, at a minimum, the necessary tasks to complete the specified Closure Plan, including investigation activities, and must account for all tasks and subtasks included in each activity (e.g., removal and disposal costs, sampling costs, etc.). It must account for all cost components (utilities, administration, profit and overhead, etc.); all direct costs (e.g., materials, labor, and equipment); and all indirect costs (e.g., supervisor fees, contractor fees, contingency fees, etc.). Respondent shall submit the completed cost estimate to ADEQ for evaluation of its completeness and technical accuracy within thirty (30) calendar days of ADEQ's approval of the Closure Plan. Upon approval of the cost estimate, ADEQ will notify Respondent in writing of such approval.

6. Within thirty (30) calendar days of approval of the cost estimate, Respondent shall establish financial assurance for the amount of the approved Closure Plan cost estimate. Respondent may use any method described in APC&EC Regulation 23 § 265.143(c) through (e) (i.e., letter of credit, insurance, or financial test and corporate guarantee), or any allowable combination of such methods, to establish said assurance.
7. While the Closure Plan actions are ongoing, Respondent shall revise the cost estimate within thirty (30) calendar days after a revision has been made to the Closure Plan actions which increases the cost of said Closure Plan actions and amend the financial assurances to reflect the increased costs. The cost estimate must be adjusted for inflation at least annually as described in APC&EC Regulation 23 § 265.142(b). The cost estimate may also be adjusted annually to remove costs associated with any activities completed.

8. For the violations herein above described in the Notice, a civil penalty in the amount of TEN THOUSAND DOLLARS (\$10,000.00) is proposed to be assessed against Respondent, as provided by Ark. Code Ann. § 8-7-204(c) and APC&EC Regulation 7. Payment shall be due within thirty (30) calendar days of the effective date of the final Order in this matter. Such payment shall be made payable to the ADEQ, Attention: Fiscal Division, 5301 Northshore Drive, North Little Rock, Arkansas 72118-5317.

9. Respondent hereby designates a Project Manager who shall be responsible for overseeing the implementation of all site investigation, remediation and closure activities subject to the requirements of the final Order in this matter. The Project Manager shall communicate with ADEQ on all technical issues which arise under the final Order and shall be empowered to agree on minor modifications in the implementation of any of the investigation or remediation tasks subject to the requirements of the final Order when such modifications are deemed by ADEQ to further the purpose of the final Order in this matter. Respondent may change the Project Manager by providing written notice of such change to the ADEQ. The initial Project Manager shall be:

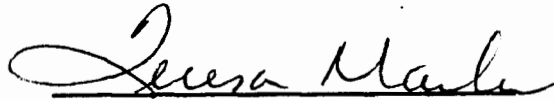
Tim Bean, President, Curt Bean Lumber Company, Inc.
P.O. Box 590
Glenwood, Arkansas 71943

10. Respondent shall submit to ADEQ one (1) electronic and one (1) printed copy of all reports, documents, plans or specifications required under the terms of the final Order issued in this matter.

11. Nothing contained in this Notice shall be construed as a waiver of ADEQ's enforcement authority over violations not specifically addressed herein; nor does this Notice exonerate past, present, or future conduct which is not expressly addressed herein. Nothing contained herein shall relieve Respondent of any other obligations imposed by any local, state, or federal laws, nor shall this Notice be deemed in any way to relieve Respondent of its responsibilities for obtaining or complying with any necessary permits or licenses.

THEREFORE, TAKE NOTICE THAT:

If Respondent wishes to dispute the proposed findings of fact, corrective actions, or civil penalty assessment, Respondent must file a written request for hearing to this Notice of Violation with the Secretary, Arkansas Pollution Control and Ecology Commission, 101 East Capital, Suite 205, Little Rock, Arkansas 72201, within **twenty (20) calendar days** of its receipt of this Notice of Violation, or the allegations herein will be deemed proven. Upon filing a written request for hearing within the time provided, Respondent will be entitled to an adjudicatory hearing upon the allegations and other matters stated in the Notice of Violation. If no timely response is received, the Director may thereafter issue a Default Administrative Notice affirming the Findings of Fact, assessing the civil penalties and ordering the corrective actions as stated herein.



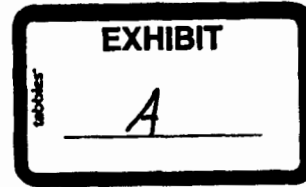
**TERESA MARKS, DIRECTOR
THE ARKANSAS DEPARTMENT
OF ENVIRONMENTAL QUALITY**

4/13/12

DATE

ADEQ

ARKANSAS
Department of Environmental Quality



Certified Mail #7010 0290 0003 0841 1857
Return Receipt Requested

June 13, 2011

Curt Bean Lumber Company-Amity
Attn: Grady Bean
P.O. Box 590
Glenwood, Arkansas 71943

**RE: Compliance Evaluation Inspection of April 6, 2011
ARD981913460
AFIN 55-00010**

Dear Mr. Bean:

On April 6, 2011, the Arkansas Department of Environmental Quality – Hazardous Waste Division (ADEQ) conducted a routine Compliance Evaluation Inspection (CEI) of your facility pursuant to the Arkansas Hazardous Waste Management Act (Arkansas Code, Annotated, § 8-7-201, *et seq.*) of 1979, as amended, and APC&EC Regulation No. 23 (Hazardous Waste Management). The CEI identified conditions at your facility which the ADEQ alleges constitute violations of APC&EC Regulation No. 23. A copy of the CEI report is attached.

Curt Bean Lumber Company-Amity should immediately initiate all actions necessary to resolve and/or correct the alleged violations cited in the attached CEI report. Written notification of the corrective actions taken for the alleged violations be submitted within thirty (30) calendar days from receipt of this letter to the attention of Judy K. Russell. If you have any questions regarding the alleged violations, please do not hesitate to contact me at 501-682-0873.

A copy of the CEI report has been referred to the Hazardous Waste Division's Enforcement Section. ADEQ will pursue formal enforcement for the alleged significant noncompliance noted during the above referenced CEI. If you have any questions regarding the significant noncompliance, please contact Richard Healey, Enforcement Section Manager, at (501) 682-0879.

Sincerely,

A handwritten signature in blue ink, appearing to read "J.K. Russell".

Judy K. Russell
Hazardous Waste Inspector
Enforcement & Inspection Branch
Hazardous Waste Division

cc: Richard Healey, Enforcement Section Manager, HWD, ADEQ



**Arkansas Department of Environmental Quality
Hazardous Waste Division**



**Compliance Evaluation Inspection (CEI)
Report**

EPA ID Number: ARD981913460		AFIN: 55-00010	
Site Name: Curt Bean Lumber			
Site Location: 843 S. Mountain St., Amity, AR 71921			
Site Mailing Address: P.O Box 590, Glenwood, AR 71943			
Site Telephone Number: 870-356-9243		Site Contact: Tim Bean	
Owner: Curt Bean			
Owner Mailing Address: 843 S. Mountain Street, Amity, AR 71921			
Permit Number: N/A		Inspection Date(s): April 6, 2011	
<u>Facility Type</u>			
Generator: <input type="checkbox"/> CESQG <input checked="" type="checkbox"/> SQG <input type="checkbox"/> LQG			
Transporter: <input type="checkbox"/> Transfer Facility: <input type="checkbox"/> Used Oil Facility: <input checked="" type="checkbox"/>			
TSD: <input type="checkbox"/> Container Storage <input type="checkbox"/> Tank Storage <input type="checkbox"/> Incinerator <input type="checkbox"/> BIF <input type="checkbox"/> Landfill <input type="checkbox"/> Containment Building <input type="checkbox"/> Misc. Treatment <input checked="" type="checkbox"/> Drip Pad <input type="checkbox"/> Other:			
<u>Inspection Participants (Name, Title, and Company Represented)</u> (attach additional page if necessary)			
Judy K. Russell, ADEQ Hazardous Waste Inspector			

Site Narrative

Curt Bean Lumber of Amity, was in the business of treating wood for commercial customers. The yellow pine timber in the form of posts, poles, and lumber was treated in a pressurized chamber using a copper chromate arsenic (CCA) solution. They have not been operating since August of 2010 according to Tim Bean who is one of the owners.

Generator Narrative

During the inspection of this property on April 6, 2011, I observed one treatment cylinder and drip pad discolored with what appeared to be CCA (See Photos 1-3). APC&EC Regulation No. 23 Section 265.445(a) requires that, at closure, the owner or operator must remove or decontaminate all waste residues, contaminated containment system components (pad, liners, etc.) , contaminated subsoils, and structures and equipment contaminated with waste and leakage, and manage them as hazardous waste. Based on the condition of the drip pad, it does not appear that Curt Bean Lumber has conducted the appropriate closure activities.

Container Storage Narrative

During the inspection, I observed the area adjacent to the treatment cylinder, which was labeled as a hazardous waste storage area. There were no containers stored in this area.

Used Oil

Across the road, at what appeared to be a maintenance shop, I observed a 500-gallon unmarked tank inside of a secondary containment. There was oily water standing in the containment as well as two (2) 5-gallon unmarked containers which appear to contain used oil (See Photo 4). This is a violation of APC&EC Regulation No. 23 Section 279.22(c)(1) which states that containers and tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil". It is also a violation of APC&EC Regulation No. 23 Section 279.22(d)(3) which states that a used oil generator must clean up and manage properly the released used oil and other materials.

Conclusion

Significant Noncompliance

The CEI identified conditions which ADEQ alleges constitute violations of APC&EC Regulation No. 23 and represent significant noncompliance. ADEQ will pursue formal enforcement for those conditions which constitute significant noncompliance. The following is a list of these alleged violations:



1. APC&EC Regulation No. 23 Section 265.445(a) – Failure to remove or decontaminate from the drip pad all waste residues, contaminated containment system components (pad, liners, etc.) , contaminated subsoils, and structures and equipment contaminated with waste and leakage, and manage them as hazardous waste.
- 2.
3. APC&EC Regulation No. 23 Section 279.22(d)(3) - Failure to clean up and manage properly the released used oil and other materials.
4. APC&EC Regulation No. 23 Section 279.22(c)(1) – Failure to mark containers and above ground tanks used to store used oil at generator facilities with the words “Used Oil”.

List of Attachments



1. Photo Log

ATTACHMENT 1

**Arkansas Department of Environmental Quality (ADEQ)
Official Photograph Sheet**

Location:		Curt Bean Lumber of Amity, 843 S. Mountain, Amity					
Photographer:		Judy K. Russell			Witness:		N/A
Photo #	1	Of	4	Date:	April 6, 2011	Time:	10:03
Description:		Curt Bean Lumber-Amity wood treatment cylinder.					
							
Photographer:		Judy K. Russell			Witness:		N/A
Photo #	2	Of	4	Date:	April 6, 2011	Time:	10:11
Description:		Drip track which doesn't appear to have been cleaned and maintained.					
							

**Arkansas Department of Environmental Quality (ADEQ)
Official Photograph Sheet**

Location:		Curt Bean Lumber of Amity, 843 S. Mountain, Amity						
Photographer:		Judy K. Russell			Witness:		N/A	
Photo #	3	Of	4		Date:	April 6, 2011	Time:	11:24
Description:		Drip pad which doesn't appear to have been cleaned and maintained.						
								
Photographer:		Judy K. Russell			Witness:		N/A	
Photo #	4	Of	4		Date:	April 6, 2011	Time:	11:36
Description:		Unmarked 500-gallon tank with oily water inside the secondary containment and two unmarked 5-gallon containers.						
								

EXHIBIT

tabbles

B

AFFIDAVIT OF SERVICE

**ORIGINAL
AFFIDAVIT**

In the Matter of:
CURT BEAN LUMBER COMPANY, INC.
843 SOUTH MOUNTAIN ST.
AMITY, ARKANSAS
EPA ID ARD981913460
AFIN 55-00010

Received by ACTION PROCESS SERVICE to be served on CURT BEAN LUMBER BY SERVING TIM BEAN AS REGISTERED AGENT, 64 BEAN DR., GLENWOOD, AR 71943, (870) 358-4003. I, Chuck Gordon, being duly sworn, depose and say that on the 20 day of June, 2012 at 7:30 p.m., executed service by delivering a true copy of the LETTER, NOTICE OF VIOLATION, EXHIBIT A, ATTACHMENT 1 AND ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION REGULATION NO. 8 in accordance with state statutes in the manner marked below:

- () Corporate Service: by serving (name) : _____ as (title) _____, (authorized agent).
- (x) Registered Agent: Tim Bean
- () Authorized Person: _____ as _____
- () Personal Capacity (as an Individual): _____
- () Non Served: vacant - unknown - moved - deceased - cancelled - out of time - incorrect venue - not employed - no such address - no such person - incomplete address - non est - other

Address (served/attempted at): 64 Bean Dr Glenwood AR

ADDRESS VERIFICATION: Drivers Licensed Verified? (circle) Yes - No - Refused To Show Me

Drivers Licensed Number (if verified): _____

Tag Numbers (observed): _____

Phone Numbers (provided): 870-356-2558

x Tim Bean

COMMENTS: Served agent at home

Age 60 Sex (M) F Race White Height 5 10 Weight 250 Hair S/P Glasses (N)

I have no interest in the above action, I am of legal age, I have proper authority in the jurisdiction in which this service was made and all statements above are true.

Acknowledged by
[Signature]
Notary Public

[Signature]

PROCESS SERVER # _____
Appointed in accordance with State Statutes

ACTION PROCESS SERVICE
12110 Arch Street
Little Rock, AR 72206
(501) 888-5706

Our Job Serial Number: 2012008918
Ref: LIS12074-DG

My Commission Expires _____



ADEQ

ARKANSAS
Department of Environmental Quality

May 22, 2012

Tim Bean, Registered Agent
Curt Bean Lumber
64 Bean Dr.
Glenwood, AR 71943

IN RE: Notice of Violation, Lis No. 12-074; AFIN # 55-00010

Dear Mr. Bean:

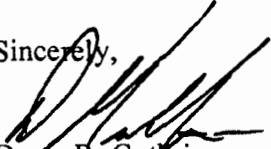
Enclosed is a Notice of Violation issued to Curt Bean Lumber Company, Inc. on April 13, 2012, by the Director of the Arkansas Department of Environmental Quality.

Also enclosed is a copy of Regulation 8, Administrative Procedures. Regulation 8 establishes the right of a party to receive an administrative hearing on the alleged violations. Please note that any written appeal of the Notice of Violation must be received by the Arkansas Pollution Control and Ecology Commission secretary, 101 East Capitol, Suite 205, Little Rock, AR 72201 within twenty (20) days of your receipt of this letter. The written response must be in compliance with the requirements of Chapter 6 of Regulation 8. Failure to submit a written response within twenty (20) days of receipt of the Notice of Violation may result in issuance of a Default Administrative Order.

The penalties and corrective actions called for in the Notice of Violation are at this stage only proposed penalties and actions. This Notice of Violation is subject to public review and comment in accordance with Ark. Code Ann. § 8-4-103(d). The public notice date will be on or about April 25, 2012. ADEQ retains the right and discretion to rescind this Notice of Violation based on public comments received within the thirty day comment period. Resolution of the Notice of Violation will be by means of a Consent Administrative Order if you decide to pay the proposed penalty to settle the matter.

The Department is willing to discuss settlement of any or all matters described in the Notice of Violation. If you or your legal counsel desire to discuss settlement of this matter, please feel free to contact me.

Sincerely,


Dawn R. Guthrie
Attorney Specialist

Curt Bean Lumber Company, Inc.
May 22, 2012
Page 2 of 2
Enclosures

cc: Pat Goff, Commission Secretary
Dawn R. Guthrie, Legal Division
Richard Healey, HazWaste Division

ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

**CURT BEAN LUMBER COMPANY, INC.
843 SOUTH MOUNTAIN ST.
AMITY, ARKANSAS
EPA ID ARD981913460
AFIN 55-00010**

LIS 12-074-NOV

DEFAULT ADMINISTRATIVE ORDER

This Default Administrative Order is issued by the Director of the Arkansas Department of Environmental Quality (hereinafter "ADEQ") to Curt Bean Lumber Company, Inc. (hereinafter "Respondent" or "Curt Bean Lumber"), pursuant to the Arkansas Hazardous Waste Management Act, codified at Ark. Code Ann. § 8-7-201 et seq., the Arkansas Remedial Action Trust Fund Act, codified at Ark. Code. Ann. § 8-7-501 et seq., and the Arkansas Pollution Control and Ecology Commission (hereinafter "APC&EC") Regulation No. 23, APC&EC Regulation No. 8, and APC&EC Regulation No. 7.

FINDINGS OF FACT

1. Curt Bean Lumber located in Amity, Arkansas, was in the business of treating wood for commercial customers. The yellow pine timber in the form of posts, poles, and lumber was treated in a pressurized chamber using Copper Chromate Arsenic (hereinafter "CCA") solution. The facility has not been in operation since August of 2010 according to Tim Bean who is president of Curt Bean Lumber.
2. On April 6, 2011, ADEQ conducted a Compliance Evaluation Inspection (hereinafter "CEI") at the Curt Bean Lumber facility. During the inspection ADEQ observed one treatment cylinder and drip pad discolored with what appeared to be CCA. Based on the

condition of the drip pad, it does not appear that Curt Bean Lumber has conducted the appropriate closure activities.

3. During the inspection, ADEQ also observed an unmarked 500-gallon tank in the maintenance area with what appeared to be oily water in the secondary containment. Two (2) 5-gallon unmarked containers, appearing to contain used oil, were also located in the secondary containment area.
4. Based on the findings of the CEI, conditions were identified which constitute violations of APC&EC Regulation 23. The violations, as provided below, were identified in the CEI Report mailed to Respondent on June 13, 2011:
 - a. During the CEI on April 6, 2011, ADEQ observed one treatment cylinder and drip pad discolored with what appeared to be CCA. APC&EC Regulation 23 § 265.445(a) requires that, at closure, the owner or operator must remove or decontaminate all waste residues, contaminated containment system components (pad, liners, etc.), contaminated subsoils, and structures and equipment contaminated with waste and leakage, and manage them as hazardous waste. Based on the condition of the drip pad, it does not appear that Curt Bean Lumber has conducted the appropriate closure activities. Consequently, this action of the Respondent is also a violation of Ark. Code Ann. §§ 8-7-205(1) and (4).
 - b. ADEQ observed an unmarked 500-gallon tank in the maintenance area with what appeared to be oily water in the secondary containment. This condition is a violation of APC&EC Regulation 23 § 279.22(d)(3) which states that a used oil generator must clean up and manage properly the released used oil and other materials. Consequently, this action of the Respondent is also a violation of Ark. Code Ann. §§ 8-7-205(1) and (4).

- c. As previously stated, ADEQ observed an unmarked 500-gallon tank in the maintenance area with what appeared to be oily water in the secondary containment. Also, two (2) 5-gallon unmarked containers, appearing to contain used oil were also located in the secondary containment area. These actions are violations of APC&EC Regulation 23 § 279.22(c)(1) which states that containers and tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil". Consequently, this action of the Respondent is also a violation of Ark. Code Ann. §§ 8-7-205(1) and (4).
5. On April 16, 2012, ADEQ attempted to serve the Respondent with a Notice of Violation (hereinafter "NOV") LIS 12-074 (Exhibit A) by certified mail. The certified mail was returned to ADEQ as unclaimed.
6. On June 20, 2012, ADEQ served the Respondent with a NOV LIS 12-074 (Exhibit A) by Action Process Service (Exhibit B). Respondent was informed that a response to the NOV LIS 12-074 was required within twenty (20) days. As the Respondent was served with the NOV LIS 12-074 on June 20, 2012, the twenty (20) day response time concluded on July 9, 2012. The Respondent failed to respond to the NOV LIS 12-074 in a timely manner. In accordance with Subsection 8.402., of APC&EC Regulation No. 8, Administrative Procedures, Respondent failed to preserve their right to contest the proposed findings of fact and civil penalty assessment contained in the Notice of Violation. Pursuant to APC&EC Regulation No. 8, Subsection 8.402., the allegations in the NOV are deemed proven and the Director hereby issues this Default Administrative Order ("DAO").

ORDER AND CIVIL PENALTY ASSESSMENT

1. Respondent shall within thirty (30) calendar days of the effective date of this DAO, submit to ADEQ for review and approval, a detailed drip pad closure plan (hereinafter "Closure Plan") to remove or decontaminate all waste residues, contaminated containment system components (pad, liners, etc.), contaminated subsoils, and structures and equipment contaminated with waste and leakage, and manage them as hazardous waste. The Closure Plan shall also include a groundwater monitoring plan. Respondent shall, within thirty (30) calendar days of written approval on the Closure Plan from ADEQ implement the Closure Plan and shall submit a final Closure Plan Report to ADEQ within sixty (60) calendar days from the Closure Plan approval date.
2. If ADEQ determines the Closure Plan fails to accomplish remediation sufficient to protect human health and the environment, Respondent shall, upon receiving written notification from ADEQ, conduct any additional remedial activities ADEQ determines necessary to protect human health and the environment from releases of hazardous substances or pollutants at the facility.
3. Respondent shall within thirty (30) calendar days of the effective date of this DAO, properly dispose of all used oil, solid and hazardous wastes that is on site at an approved off site location(s). Respondent shall provide ADEQ copies of manifests and bills of lading for the used oil, solid and hazardous waste.
4. Upon the effective date of this DAO and hereforth out in this matter, immediately upon detection of a release of used oil and any other hazardous substance to the environment:
 - a. Stop the release;
 - b. Contain the released used oil or hazardous substance;
 - c. Clean up and manage properly the released used oil and other hazardous substances; and

- d. If necessary, repair or replace any leaking used oil and hazardous substance storage containers or tanks prior to returning them to service.
5. Respondent shall provide assurance of financial responsibility for the activities specified in the approved Closure Plan specified in the Order and Agreement Section of this DAO. Respondent shall, within thirty (30) calendar days of written approval of the Closure Plan provide assurance of financial responsibility for the activities specified in the approved Closure Plan. Respondent must establish a detailed written estimate, in current dollars, of the costs of completing the Closure Plan. This cost estimate must be based on the costs to the Respondent of hiring a third party to complete the specified Closure Plan. The cost estimate must address, at a minimum, the necessary tasks to complete the specified Closure Plan, including investigation activities, and must account for all tasks and subtasks included in each activity (e.g., removal and disposal costs, sampling costs, etc.). It must account for all cost components (utilities, administration, profit and overhead, etc.); all direct costs (e.g., materials, labor, and equipment); and all indirect costs (e.g., supervisor fees, contractor fees, contingency fees, etc.). Respondent shall submit the completed cost estimate to ADEQ for evaluation of its completeness and technical accuracy within thirty (30) calendar days of ADEQ's approval of the Closure Plan. Upon approval of the cost estimate, ADEQ will notify Respondent in writing of such approval.
6. Within thirty (30) calendar days of approval of the cost estimate, Respondent shall establish financial assurance for the amount of the approved Closure Plan cost estimate. Respondent may use any method described in APC&EC Regulation 23 § 265.143(c) through (e) (i.e., letter of credit, insurance, or financial test and corporate guarantee), or any allowable combination of such methods, to establish said assurance.
7. While the Closure Plan actions are ongoing, Respondent shall revise the cost estimate within thirty (30) calendar days after a revision has been made to the Closure Plan actions which increases the cost of said Closure Plan actions and amend the financial assurances

to reflect the increased costs. The cost estimate must be adjusted for inflation at least annually as described in APC&EC Regulation 23 § 265.142(b). The cost estimate may also be adjusted annually to remove costs associated with any activities completed.

8. For the violations herein above described, a civil penalty in the amount of TEN THOUSAND DOLLARS (\$10,000.00) is assessed against Respondent, as provided by Ark. Code Ann. § 8-7-204(c) and APC&EC Regulation 7. Payment shall be due within thirty (30) calendar days of the effective date of this DAO. Such payment shall be made payable to the ADEQ, Attention: Fiscal Division, 5301 Northshore Drive, North Little Rock, Arkansas 72118-5317.
9. Respondent hereby designates a Project Manager who shall be responsible for overseeing the implementation of all site investigation, remediation and closure activities subject to the requirements of this DAO. The Project Manager shall communicate with ADEQ on all technical issues which arise under this DAO and shall be empowered to agree on minor modifications in the implementation of any of the investigation or remediation tasks subject to the requirements of this DAO when such modifications are deemed by ADEQ to further the purpose of this DAO. Respondent may change the Project Manager by providing written notice of such change to the ADEQ. The initial Project Manager shall be:

Tim Bean, President
Curt Bean Lumber Company, Inc.
P.O. Box 590
Glenwood, Arkansas 71943

10. Respondent shall submit to ADEQ one (1) electronic and one (1) printed copy of all reports, documents, plans or specifications required under the terms of this DAO.

11. Nothing contained in this DAO shall be construed as a waiver of ADEQ's enforcement authority over violations not specifically addressed herein; nor does this DAO exonerate past, present, or future conduct which is not expressly addressed herein. Nothing contained herein shall relieve Respondent of any other obligations imposed by any local, state, or federal laws, nor shall this DAO be deemed in any way to relieve Respondent of its responsibilities for obtaining or complying with any necessary permits or licenses.

SO ORDERED this ____ day of September, 2012.

**TERESA MARKS, DIRECTOR
THE ARKANSAS DEPARTMENT
OF ENVIRONMENTAL QUALITY**

ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

CURT BEAN LUMBER COMPANY, INC.
843 SOUTH MOUNTAIN ST.
AMITY, ARKANSAS
EPA ID ARD981913460
AFIN 55-00010

LIS 12- 074

NOTICE OF VIOLATION

TO: Tim Bean, Registered Agent
Curt Bean Lumber
P.O. Box 590
Glenwood, Arkansas 71943

NOTICE is hereby given that the Director of the Arkansas Department of Environmental Quality (hereinafter "ADEQ") has determined that there are reasonable grounds to believe that Curt Bean Lumber Company, Inc. (hereinafter "Respondent" or "Curt Bean Lumber") has committed the following violations of the Arkansas Hazardous Waste Management Act, Ark. Code Ann. § 8-7-201 *et seq.*, the Arkansas Remedial Action Trust Fund Act, Ark. Code Ann. § 8-7-501 *et seq.*, the Arkansas Water and Air Pollution Control Act, Ark. Code Ann. § 8-4-101 *et seq.*, and the Arkansas Pollution Control and Ecology Commission (hereinafter "APC&EC") Regulation 23.

This Notice of Violation (hereinafter "NOV") is issued in accordance with the provisions of APC&EC Regulation 7: Civil Penalties; and APC&EC Regulation 8: Administrative Procedures.

ALLEGATIONS AND PROPOSED FINDINGS OF FACT

1. Curt Bean Lumber located in Amity, Arkansas, was in the business of treating wood for commercial customers. The yellow pine timber in the form of posts, poles, and lumber was treated in a pressurized chamber using Copper Chromate Arsenic (hereinafter "CCA") solution. The facility has not been in operation since August of 2010 according to Tim Bean who is president of Curt Bean Lumber.
2. On April 6, 2011, ADEQ conducted a Compliance Evaluation Inspection (hereinafter "CEI") at the Curt Bean Lumber facility. During the inspection ADEQ observed one treatment cylinder and drip pad discolored with what appeared to be CCA. Based on the condition of the drip pad, it does not appear that Curt Bean Lumber has conducted the appropriate closure activities.
3. During the inspection, ADEQ also observed an unmarked 500-gallon tank in the maintenance area with what appeared to be oily water in the secondary containment. Two (2) 5-gallon unmarked containers, appearing to contain used oil, were also located in the secondary containment area.
4. The violations, as provided below, were identified in the CEI Report mailed to Respondent on June 13, 2011 and are hereby incorporated by reference into this NOV and are attached as Exhibit A:
 - a. During the CEI on April 6, 2011, ADEQ observed one treatment cylinder and drip pad discolored with what appeared to be CCA. APC&EC Regulation 23 § 265.445(a) requires that, at closure, the owner or operator must remove or decontaminate all waste residues, contaminated containment system components (pad, liners, etc.), contaminated subsoils, and structures and equipment contaminated with waste and leakage, and manage them as hazardous waste. Based on the condition of the drip

pad, it does not appear that Curt Bean Lumber has conducted the appropriate closure activities. Consequently, this action of the Respondent is also a violation of Ark. Code Ann. §§ 8-7-205(1) and (4).

b. ADEQ observed an unmarked 500-gallon tank in the maintenance area with what appeared to be oily water in the secondary containment. This condition is a violation of APC&EC Regulation 23 § 279.22(d)(3) which states that a used oil generator must clean up and manage properly the released used oil and other materials. Consequently, this action of the Respondent is also a violation of Ark. Code Ann. §§ 8-7-205(1) and (4).

c. As previously stated, ADEQ observed an unmarked 500-gallon tank in the maintenance area with what appeared to be oily water in the secondary containment. Also, two (2) 5-gallon unmarked containers, appearing to contain used oil were also located in the secondary containment area. These actions are violations of APC&EC Regulation 23 § 279.22(c)(1) which states that containers and tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil". Consequently, this action of the Respondent is also a violation of Ark. Code Ann. §§ 8-7-205(1) and (4).

5. The Respondent has not contacted ADEQ regarding correction of the violations cited in the April 6, 2011 CEI.

THEREFORE, for the violations herein described, the following actions are proposed to be ordered herein and the following civil penalties are proposed to be assessed.

PROPOSED CORRECTIVE ACTION AND CIVIL PENALTY ASSESSMENT

1. Upon the effective date of a final Order in this matter, Respondent shall submit to ADEQ for review and approval, a detailed drip pad closure plan (hereinafter "Closure Plan") to

remove or decontaminate all waste residues, contaminated containment system components (pad, liners, etc.), contaminated subsoils, and structures and equipment contaminated with waste and leakage, and manage them as hazardous waste. The Closure Plan shall also include a groundwater monitoring plan. Respondent shall, within thirty (30) calendar days of written approval on the Closure Plan from ADEQ implement the Closure Plan and shall submit a final Closure Plan Report to ADEQ within sixty (60) calendar days from the Closure Plan approval date.

2. If ADEQ determines the Closure Plan fails to accomplish remediation sufficient to protect human health and the environment, Respondent shall, upon receiving written notification from ADEQ, conduct any additional remedial activities ADEQ determines necessary to protect human health and the environment from releases of hazardous substances or pollutants at the facility.
3. Upon the effective date of a final Order in this matter, Respondent shall properly dispose of all used oil, solid and hazardous wastes that is on site at an approved off site location(s). Respondent shall provide ADEQ copies of manifests and bills of lading for the used oil, solid and hazardous waste.
4. Upon the effective date of this final Order and hereforth out in this matter, immediately upon detection of a release of used oil and any other hazardous substance to the environment:
 - a. Stop the release;
 - b. Contain the released used oil or hazardous substance;
 - c. Clean up and manage properly the released used oil and other hazardous substances; and
 - d. If necessary, repair or replace any leaking used oil and hazardous substance storage containers or tanks prior to returning them to service.
5. Respondent shall provide assurance of financial responsibility for the activities specified in the approved Closure Plan specified in the Order and Agreement Section of this

Order. Respondent shall, within thirty (30) calendar days of written approval of the Closure Plan provide assurance of financial responsibility for the activities specified in the approved Closure Plan. Respondent must establish a detailed written estimate, in current dollars, of the costs of completing the Closure Plan. This cost estimate must be based on the costs to the Respondent of hiring a third party to complete the specified Closure Plan. The cost estimate must address, at a minimum, the necessary tasks to complete the specified Closure Plan, including investigation activities, and must account for all tasks and subtasks included in each activity (e.g., removal and disposal costs, sampling costs, etc.). It must account for all cost components (utilities, administration, profit and overhead, etc.); all direct costs (e.g., materials, labor, and equipment); and all indirect costs (e.g., supervisor fees, contractor fees, contingency fees, etc.). Respondent shall submit the completed cost estimate to ADEQ for evaluation of its completeness and technical accuracy within thirty (30) calendar days of ADEQ's approval of the Closure Plan. Upon approval of the cost estimate, ADEQ will notify Respondent in writing of such approval.

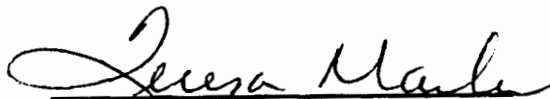
6. Within thirty (30) calendar days of approval of the cost estimate, Respondent shall establish financial assurance for the amount of the approved Closure Plan cost estimate. Respondent may use any method described in APC&EC Regulation 23 § 265.143(c) through (e) (i.e., letter of credit, insurance, or financial test and corporate guarantee), or any allowable combination of such methods, to establish said assurance.
7. While the Closure Plan actions are ongoing, Respondent shall revise the cost estimate within thirty (30) calendar days after a revision has been made to the Closure Plan actions which increases the cost of said Closure Plan actions and amend the financial assurances to reflect the increased costs. The cost estimate must be adjusted for inflation at least annually as described in APC&EC Regulation 23 § 265.142(b). The cost estimate may also be adjusted annually to remove costs associated with any activities completed.

8. For the violations herein above described in the Notice, a civil penalty in the amount of TEN THOUSAND DOLLARS (\$10,000.00) is proposed to be assessed against Respondent, as provided by Ark. Code Ann. § 8-7-204(c) and APC&EC Regulation 7. Payment shall be due within thirty (30) calendar days of the effective date of the final Order in this matter. Such payment shall be made payable to the ADEQ, Attention: Fiscal Division, 5301 Northshore Drive, North Little Rock, Arkansas 72118-5317.
9. Respondent hereby designates a Project Manager who shall be responsible for overseeing the implementation of all site investigation, remediation and closure activities subject to the requirements of the final Order in this matter. The Project Manager shall communicate with ADEQ on all technical issues which arise under the final Order and shall be empowered to agree on minor modifications in the implementation of any of the investigation or remediation tasks subject to the requirements of the final Order when such modifications are deemed by ADEQ to further the purpose of the final Order in this matter. Respondent may change the Project Manager by providing written notice of such change to the ADEQ. The initial Project Manager shall be:

Tim Bean, President, Curt Bean Lumber Company, Inc.
P.O. Box 590
Glenwood, Arkansas 71943
10. Respondent shall submit to ADEQ one (1) electronic and one (1) printed copy of all reports, documents, plans or specifications required under the terms of the final Order issued in this matter.
11. Nothing contained in this Notice shall be construed as a waiver of ADEQ's enforcement authority over violations not specifically addressed herein; nor does this Notice exonerate past, present, or future conduct which is not expressly addressed herein. Nothing contained herein shall relieve Respondent of any other obligations imposed by any local, state, or federal laws, nor shall this Notice be deemed in any way to relieve Respondent of its responsibilities for obtaining or complying with any necessary permits or licenses.

THEREFORE, TAKE NOTICE THAT:

If Respondent wishes to dispute the proposed findings of fact, corrective actions, or civil penalty assessment, Respondent must file a written request for hearing to this Notice of Violation with the Secretary, Arkansas Pollution Control and Ecology Commission, 101 East Capital, Suite 205, Little Rock, Arkansas 72201, within **twenty (20) calendar days** of its receipt of this Notice of Violation, or the allegations herein will be deemed proven. Upon filing a written request for hearing within the time provided, Respondent will be entitled to an adjudicatory hearing upon the allegations and other matters stated in the Notice of Violation. If no timely response is received, the Director may thereafter issue a Default Administrative Notice affirming the Findings of Fact, assessing the civil penalties and ordering the corrective actions as stated herein.

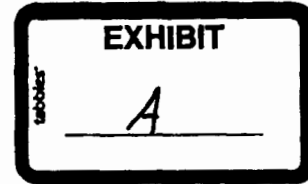


**TERESA MARKS, DIRECTOR
THE ARKANSAS DEPARTMENT
OF ENVIRONMENTAL QUALITY**

4/13/12
DATE

ADEQ

ARKANSAS
Department of Environmental Quality



Certified Mail #7010 0290 0003 0841 1857
Return Receipt Requested

June 13, 2011

Curt Bean Lumber Company-Amity
Attn: Grady Bean
P.O. Box 590
Glenwood, Arkansas 71943

**RE: Compliance Evaluation Inspection of April 6, 2011
ARD981913460
AFIN 55-00010**

Dear Mr. Bean:

On April 6, 2011, the Arkansas Department of Environmental Quality – Hazardous Waste Division (ADEQ) conducted a routine Compliance Evaluation Inspection (CEI) of your facility pursuant to the Arkansas Hazardous Waste Management Act (Arkansas Code, Annotated, § 8-7-201, *et seq.*) of 1979, as amended, and APC&EC Regulation No. 23 (Hazardous Waste Management). The CEI identified conditions at your facility which the ADEQ alleges constitute violations of APC&EC Regulation No. 23. A copy of the CEI report is attached.

Curt Bean Lumber Company-Amity should immediately initiate all actions necessary to resolve and/or correct the alleged violations cited in the attached CEI report. Written notification of the corrective actions taken for the alleged violations be submitted within thirty (30) calendar days from receipt of this letter to the attention of Judy K. Russell. If you have any questions regarding the alleged violations, please do not hesitate to contact me at 501-682-0873.

A copy of the CEI report has been referred to the Hazardous Waste Division's Enforcement Section. ADEQ will pursue formal enforcement for the alleged significant noncompliance noted during the above referenced CEI. If you have any questions regarding the significant noncompliance, please contact Richard Healey, Enforcement Section Manager, at (501) 682-0879.

Sincerely,

A handwritten signature in black ink, appearing to read "J. K. Russell".

Judy K. Russell
Hazardous Waste Inspector
Enforcement & Inspection Branch
Hazardous Waste Division

cc: Richard Healey, Enforcement Section Manager, HWD, ADEQ



**Arkansas Department of Environmental Quality
Hazardous Waste Division**



**Compliance Evaluation Inspection (CEI)
Report**

EPA ID Number: ARD981913460		AFIN: 55-00010	
Site Name: Curt Bean Lumber			
Site Location: 843 S. Mountain St., Amity, AR 71921			
Site Mailing Address: P.O Box 590, Glenwood, AR 71943			
Site Telephone Number: 870-356-9243		Site Contact: Tim Bean	
Owner: Curt Bean			
Owner Mailing Address: 843 S. Mountain Street, Amity, AR 71921			
Permit Number: N/A		Inspection Date(s): April 6, 2011	
<u>Facility Type</u>			
Generator: <input type="checkbox"/> CESQG <input checked="" type="checkbox"/> SQG <input type="checkbox"/> LQG			
Transporter: <input type="checkbox"/> Transfer Facility: <input type="checkbox"/> Used Oil Facility: <input checked="" type="checkbox"/>			
TSD: <input type="checkbox"/> Container Storage <input type="checkbox"/> Tank Storage <input type="checkbox"/> Incinerator <input type="checkbox"/> BIF <input type="checkbox"/> Landfill <input type="checkbox"/> Containment Building <input type="checkbox"/> Misc. Treatment <input checked="" type="checkbox"/> Drip Pad <input type="checkbox"/> Other:			
<u>Inspection Participants (Name, Title, and Company Represented)</u> (attach additional page if necessary)			
Judy K. Russell, ADEQ Hazardous Waste Inspector			

Site Narrative

Curt Bean Lumber of Amity, was in the business of treating wood for commercial customers. The yellow pine timber in the form of posts, poles, and lumber was treated in a pressurized chamber using a copper chromate arsenic (CCA) solution. They have not been operating since August of 2010 according to Tim Bean who is one of the owners.

Generator Narrative

During the inspection of this property on April 6, 2011, I observed one treatment cylinder and drip pad discolored with what appeared to be CCA (See Photos 1-3). APC&EC Regulation No. 23 Section 265.445(a) requires that, at closure, the owner or operator must remove or decontaminate all waste residues, contaminated containment system components (pad, liners, etc.) , contaminated subsoils, and structures and equipment contaminated with waste and leakage, and manage them as hazardous waste. Based on the condition of the drip pad, it does not appear that Curt Bean Lumber has conducted the appropriate closure activities.

Container Storage Narrative

During the inspection, I observed the area adjacent to the treatment cylinder, which was labeled as a hazardous waste storage area. There were no containers stored in this area.

Used Oil

Across the road, at what appeared to be a maintenance shop, I observed a 500-gallon unmarked tank inside of a secondary containment. There was oily water standing in the containment as well as two (2) 5-gallon unmarked containers which appear to contain used oil (See Photo 4). This is a violation of APC&EC Regulation No. 23 Section 279.22(c)(1) which states that containers and tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil". It is also a violation of APC&EC Regulation No. 23 Section 279.22(d)(3) which states that a used oil generator must clean up and manage properly the released used oil and other materials.

Conclusion

Significant Noncompliance

The CEI identified conditions which ADEQ alleges constitute violations of APC&EC Regulation No. 23 and represent significant noncompliance. ADEQ will pursue formal enforcement for those conditions which constitute significant noncompliance. The following is a list of these alleged violations:

Curt Bean Lumber- Amity Facility
April 6, 2011 CEI Report



1. APC&EC Regulation No. 23 Section 265.445(a) – Failure to remove or decontaminate from the drip pad all waste residues, contaminated containment system components (pad, liners, etc.) , contaminated subsoils, and structures and equipment contaminated with waste and leakage, and manage them as hazardous waste.
- 2.
3. APC&EC Regulation No. 23 Section 279.22(d)(3) - Failure to clean up and manage properly the released used oil and other materials.
4. APC&EC Regulation No. 23 Section 279.22(c)(1) – Failure to mark containers and above ground tanks used to store used oil at generator facilities with the words “Used Oil”.

List of Attachments


1. Photo Log

ATTACHMENT 1

**Arkansas Department of Environmental Quality (ADEQ)
Official Photograph Sheet**

Location:		Curt Bean Lumber of Amity, 843 S. Mountain, Amity					
Photographer:		Judy K. Russell			Witness:		N/A
Photo #	1	Of	4	Date:	April 6, 2011	Time:	10:03
Description:		Curt Bean Lumber-Amity wood treatment cylinder.					
							
Photographer:		Judy K. Russell			Witness:		N/A
Photo #	2	Of	4	Date:	April 6, 2011	Time:	10:11
Description:		Drip track which doesn't appear to have been cleaned and maintained.					
							

**Arkansas Department of Environmental Quality (ADEQ)
Official Photograph Sheet**

Location:		Curt Bean Lumber of Amity, 843 S. Mountain, Amity						
Photographer:		Judy K. Russell			Witness:		N/A	
Photo #	3	Of	4	Date:		April 6, 2011	Time:	11:24
Description:		Drip pad which doesn't appear to have been cleaned and maintained.						
								
Photographer:		Judy K. Russell			Witness:		N/A	
Photo #	4	Of	4	Date:		April 6, 2011	Time:	11:36
Description:		Unmarked 500-gallon tank with oily water inside the secondary containment and two unmarked 5-gallon containers.						
		