

ARKANSAS DEPARTMENT OF ENERGY AND ENVIRONMENT, DIVISION OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

LIS: 25-013

AIR QUALITY ASSESSMENT IN
CITY OF TONTITOWN, AR
FEBRUARY 24, 2025 VERBAL ORDER DATE

EMERGENCY ORDER OF THE DIRECTOR

The Director of the Arkansas Department of Energy and Environment, Division of Environmental Quality (DEQ), has determined that circumstances reasonably require emergency measures be taken to conduct additional air quality assessment in Tontitown to provide for further investigation, identification, and assessment of the presence of acrolein and benzene.

Therefore, pursuant to authority provided to the Director by Ark. Code Ann. § 8-1-202; the Arkansas Water and Air Pollution Control Act as set forth in Ark. Code Ann. § 8-4-101 *et seq.*, and Ark. Code Ann. § 8-4-220(a); the Arkansas Hazardous Waste Management Act as set forth in Ark. Code Ann. § 8-7-201 *et seq.*; the Remedial Action Trust Fund Act as set forth in Ark. Code Ann. § 8-7-501 *et seq.*; and the rules promulgated thereunder, the Director makes the following Findings of Fact and orders the following actions to be taken immediately:

FINDINGS OF FACT

1. CTEH, LLC was contracted by DEQ to perform an air quality assessment near the WM landfill on Arbor Acres Avenue in Tontitown, Arkansas, in response to community concerns about air quality in the area. Twenty-four-hour air sampling and monitoring was performed beginning on February 5 and ending on February 8, 2024.
2. Air sampling results indicated that acrolein and benzene concentrations were above U.S. Environmental Protection Agency's (EPA) Residential Air Residential Screening Levels (RSLs), including at the background sampling locations. Those results warranted more rigorous sampling and analysis, as well as further investigation to determine potential sources of acrolein and benzene.
3. CTEH, LLC conducted an additional air quality assessment from April 28 to May 1, 2024, and issued a report dated June 30, 2024, noting detections of acrolein, benzene, carbon tetrachloride, chloroform, and naphthalene at concentrations above their respective EPA Residential Air RSLs. That report further noted:
Benzene, acrolein, and carbon tetrachloride were detected in samples collected at locations upwind, crosswind, and downwind of the WM landfill site, based on local wind conditions during the sampling timeframe. These analytes were also detected at the four sampling locations selected by ADEE to represent background conditions in

the region. Chloroform was detected in two analytical air samples collected at one crosswind location southwest of the WM landfill and naphthalene was detected in one sample collected at a background sampling location selected by ADEE.


4. Because these substances may present an imminent and substantial hazard to the health of persons or to the environment, further investigation is needed to assess whether any threatened release from an identifiable source may present an imminent and substantial endangerment to public health and safety, as well as to determine what additional actions may be necessary to protect human health and safety and the environment.

ORDER

The Director orders the following:

1. As provided in Ark. Code Ann. § 8-7-509, the Director orders that DEQ expend \$539,985 moneys in the Hazardous Substance Remedial Action Trust Fund to provide for additional investigation, identification and assessment of acrolein, benzene and other volatile organic compounds in Tontitown, particularly in the area around the WM landfill and attempt to determine sources of these substances.
2. This Order does not abrogate DEQ's authority to commence necessary enforcement actions for violations of Arkansas law, and nothing in this Order shall limit the rights of DEQ to issue further orders to pursue any further enforcement actions for remediation, removal, penalties, or to recover costs from any party liable for any identified release of hazardous substances.
3. This Order was effective immediately upon verbal issuance on February 24, 2025, and is confirmed by signature of the Director, with public notice to be provided in accordance with Pollution Control and Ecology Commission Rule 8.501(B).

DATED THIS 24th DAY of FEBRUARY 2025



Bailey Taylor
Director
Division of Environmental Quality