

# Arkansas Municipal Waste-To-Energy Osceola, Arkansas

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Hazardous Waste Division

**ADEQ**

# Arkansas Municipal Waste-To-Energy

- Air Permit issued to City of Osceola
  - Allowed incineration of municipal, medical, and non-hazardous industrial wastes.
- April 20, 2001 – Fire at incinerator caused major damage to unit.
- Arkansas Municipal Waste-To-Energy and Wally ElBeck hired by City of Osceola to operate the incinerator.

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- April 2002: ADEQ Air Division issued a CAO allowing AMWE to operate the incinerator under the permit issued to the City of Osceola.

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- February 2003:

ADEQ Hazardous Waste Division received a complaint that AMWE was receiving flammable materials for incineration and storing the materials in a nearby warehouse.

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- March 4, 2003 - Complaint investigation by:
  - Hazardous Waste Division
  - Air Division
  - Solid Waste Division

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- Complaint investigation found:
  - Municipal, medical, & industrial waste staged inside and outside the incinerator building.



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- ADEQ contacted the Arkansas Department of Health regarding the medical waste issues.

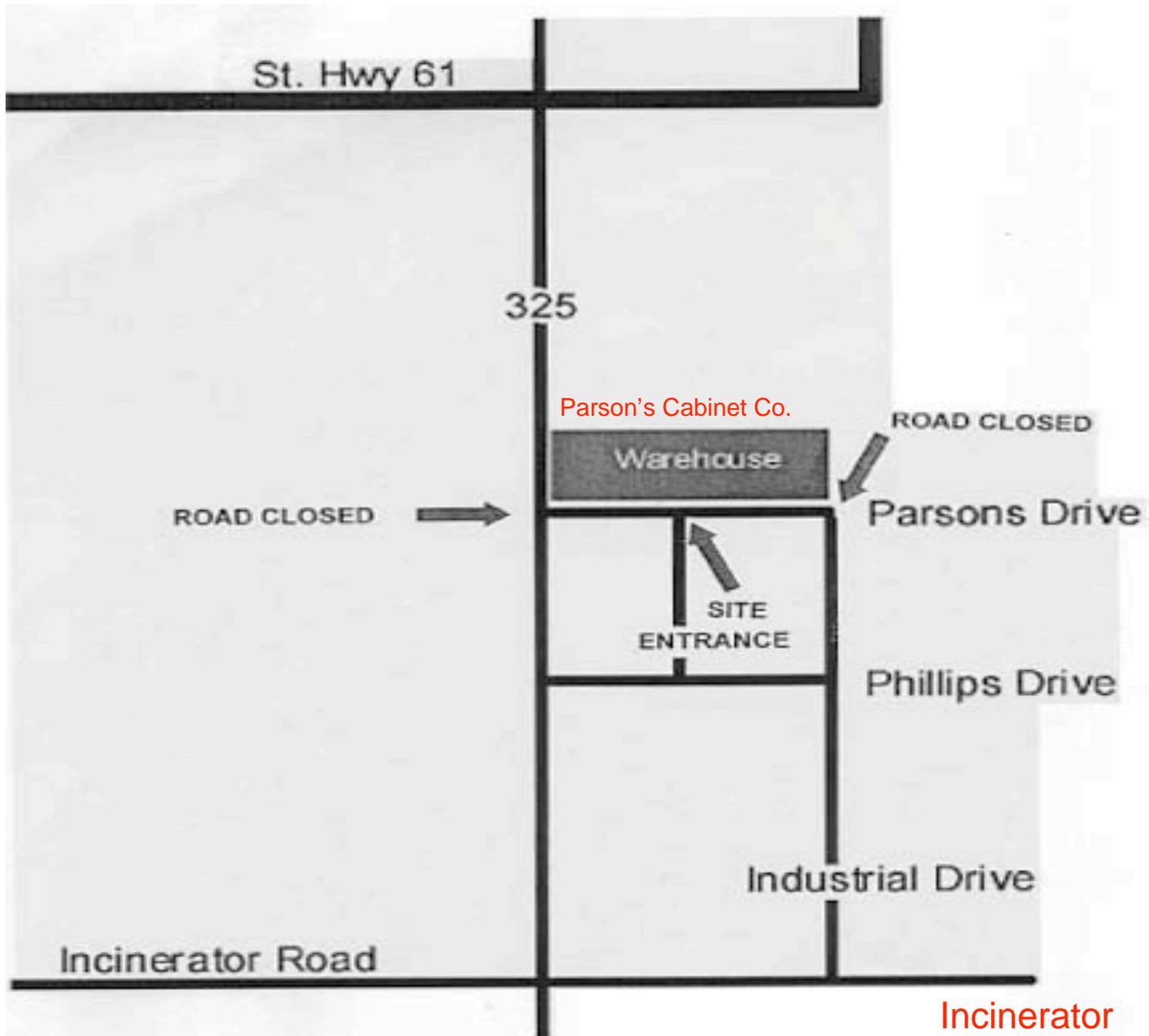
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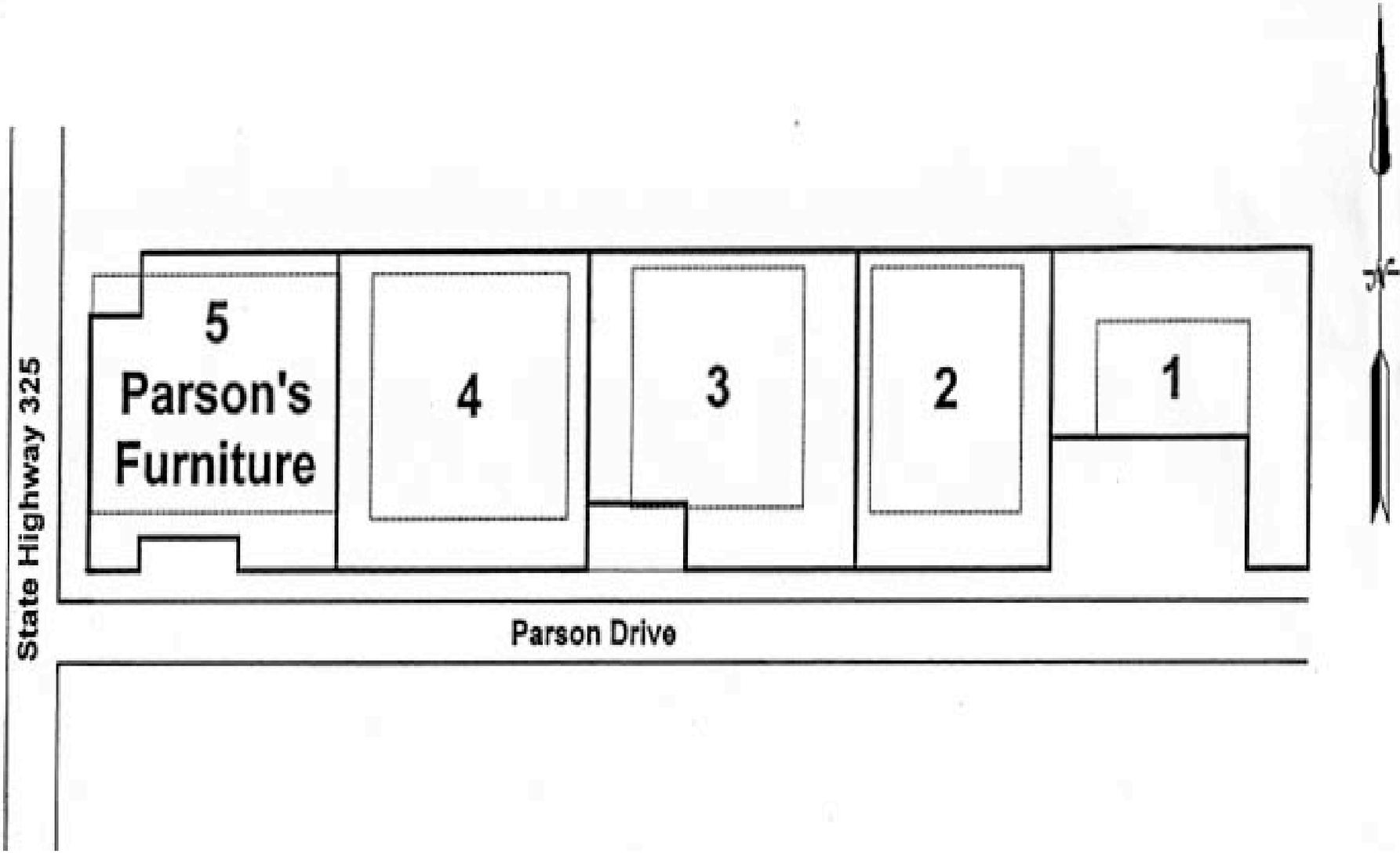
- ADEQ Inspectors discovered that AMWE was using a nearby closed cabinet manufacturing building as a storage warehouse.

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Parson's Cabinet Company







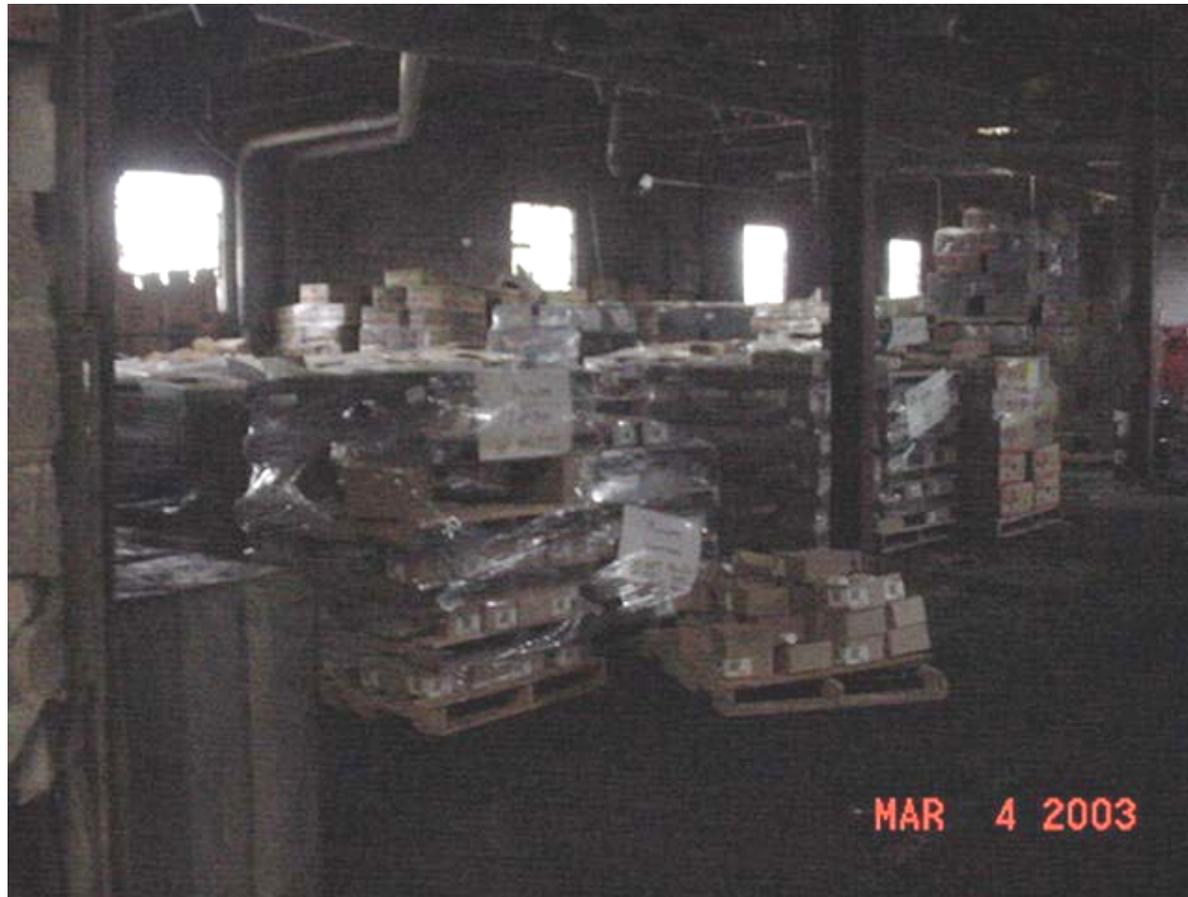
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- Labels on containers included:
  - Hazardous Waste
  - Non-Hazardous Waste
  - Combination of Haz and Non-Haz
  - Labels over labels

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Containers found behind a wall in Room #5.

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Containers found behind a wall in Room #5.

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- ADEQ estimated 10,000 – 20,000 containers of waste was being stored in the warehouse.

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- Concerns after initial investigation of 3/4/03:
  - Multiple labels on drums
  - Drums labeled “Hazardous Waste”
  - No spill control or fire extinguishing equipment
  - Spills on the floor of the warehouse

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- Samples were collected on a few select containers.
- Flashpoint was below 140°F indicating “Ignitable” hazardous wastes.

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- Mr. ElBeck continued to insist that he had never received hazardous waste and would not agree to correctly identify all of the containers in the warehouse.

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- March 14, 2003: Circuit Court ordered Mr. ElBeck to properly dispose of the hazardous waste identified by ADEQ and to organize the warehouse so that ADEQ could adequately inspect each container.

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- March 24, 2003: ADEQ returned to the site to document the progress made regarding the court order and collect additional samples.
  - Two sections of the warehouse had been arranged so that there was some type of aisle space
  - Containers in the West end of the building were still stacked 3 high, without any aisle space.
- Additional samples also indicated flashpoints below 140°F.

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- Container labeled Non-Hazardous Waste, Latex Paint, pH=3 placed over another Non-Haz label (Neutralized Solidified Corrosives).
  - When opened, began fuming
  - Drum moved outside building for better ventilation
  - Contained 5-gallon bucket with 1-gallon container of concentrated sulfuric acid with pH of 1!

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- Concerns after follow-up o 3/24/03:
  - Thousands of drums still being stored
  - Labels didn't match the contents of the drums
    - Employees didn't know what they were handling
  - ADEQ sampling showed contents were “hazardous waste”
  - Ignitable waste being stored without fire protection equipment
  - Leaking drums

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- April 2003: Another hearing was held in Circuit Court
  - Mr. ElBeck was ordered to adequately secure the warehouse; and
  - Was prohibited from removing any materials from the warehouse without being characterized and notifying ADEQ
  - This order also gave ADEQ the authority to allow generators of the waste the ability to retrieve that waste without facing trespassing charges.

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- Mr. ElBeck refused to cooperate with ADEQ and fled the jurisdiction.
  - Filed bankruptcy in 2004.

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- June 2003
  - EPA Region 6 CID executed a search warrant at warehouse, incinerator facility, and off-site storage.
  - NEIC conducted sampling during the execution of the search warrant.

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- Initial list of PRPs identified included:
  - Teris (Arkansas facility)
  - Rineco (Arkansas facility)
  - Phillip Services Corporation (PSC)
  - Pollution Control Industries (PCI)

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- ADEQ contacted the Arkansas facilities that sent waste to the site.
  - None of these facilities were aware of the warehouse!
  - Each had conducted independent audits of AMWE.
  - Each was surprised to know their waste was still on-site---had received “Certificates of Disposal” from Mr. ElBeck!
  - Each Arkansas facility made arrangements to remove their waste from the warehouse and dispose properly.

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- ADEQ required the waste to be characterized prior to removal from the warehouse. (Haz Cat, at a minimum)
  - Exception: If the waste was a consumer commodity and was still in the original packaging, the PRP could use knowledge to characterize the waste.

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- ADEQ and the Ark. Dept. of Health contacted other PRPs to notify them of the warehouse and that the waste needed to be characterized and disposed of properly.

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- The majority of companies contacted cooperated with ADEQ and ADH to characterize and properly dispose of the waste.

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- One company, Pollution Control Industries (PCI), that was responsible for the majority of the waste in the warehouse would not agree to remove the waste under ADEQ terms.

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- June 2, 2004
  - ADEQ requested the assistance of the Emergency Response Branch of EPA Region 6 due to the volume of hazardous substances at the site, the poor condition of the containers, and the poor structural integrity of the building roof, and the close proximity to a Day Care Facility.

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- June 21, 2004
  - EPA and contractors mobilize at the site to begin stabilization and characterization activities.

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- During the course of EPA's action, their contractors found more containers of medical waste as well as potentially radioactive materials.
- EPA contacted ADH to arrange for removal of the medical waste.

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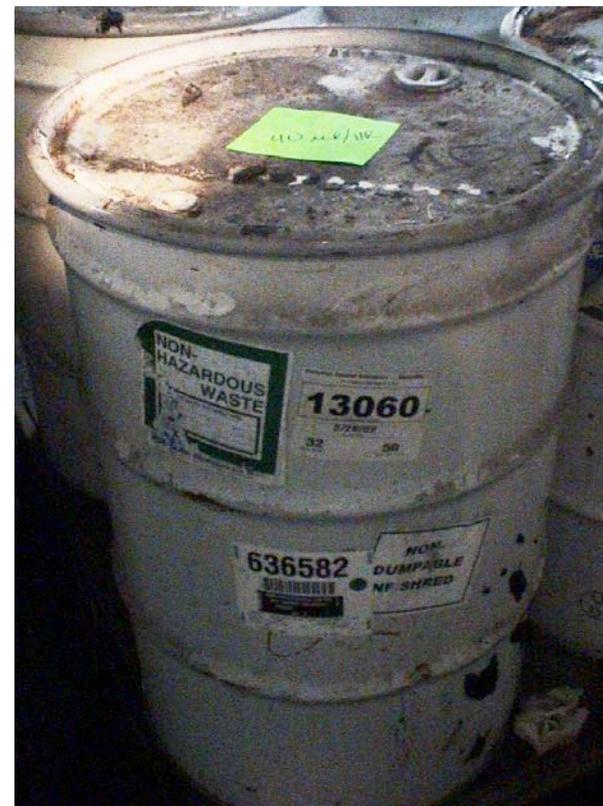
- Medical waste



Photos provided by EPA Region 6 contractors

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- Low-Level Radioactive Drums (8 drums total)



Photos provided by EPA Region 6 contractors

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- EPA continued to negotiate with PCI while contractors characterized waste.



Photo provided by EPA Region 6 contractors

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Photos provided by EPA Region 6 contractors

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- EPA & PCI signed a Consent Order for the removal action in August 2004.
- PCI concluded their work late 2005.

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- As of June 15, 2006:
  - 11,103 containers of waste have been removed from the warehouse
    - 7277 of these were from PCI

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- What does the Warehouse look like now?

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- Room #1 (East End of Warehouse)



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- Room #2



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# Arkansas Municipal Waste-To-Energy

- Room #3



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# Arkansas Municipal Waste-To-Energy

- Room #4



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- Room #5



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- ~1,000 containers remain
- EPA Region 6 continues to negotiate with PRPs for removal of remaining waste.

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- Where's Wally ElBeck????

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- Federal Grand Jury returned a 44-count indictment in July 2005.
  - Charges include mail fraud and wire fraud
- Trial began on October 16, 2006 in Little Rock, Arkansas.

# Arkansas Municipal Waste-To-Energy

- Wally El Beck convicted on October 20, 2006.
- Found guilty on 37 counts of mail fraud and 1 count of wire fraud.
- Awaiting sentencing at this time.