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# Air Enforcement: U.S. Environmental Protection Agency and Indiana Limestone/Sand and Gravel Aggregate Facilities Owner Enter Into Consent Agreement And Final Order to Address Alleged Violations

## Arkansas Environmental, Energy, and Water Law Blog

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The United States Environmental Protection Agency ("EPA") and Engineering Aggregates Corporation ("EAC") entered into a January 6<sup>th</sup> Consent Agreement and Final Order ("CAFO") to address alleged violations involving Indiana air regulations. See CAA-05-2016-0013.

EAC is stated to own and operate both a limestone and sand and gravel aggregate facilities in Logansport, Indiana.

Both of the aggregate facilities are described as generating particulate matter through the process of "crushing, screening, and conveying aggregate as well as from the use of roadways, from storage piles, and other areas of the plant site." The CAFO also notes in relevant part:

- Respondent's Plant 1 and Plant 2 contain emission units because activities at Plant 1 and Plant 2 result in the generation of particulate matter, an air pollutant regulated by the Clean Air Act.
- Plant and Plant 2 are sources because the plants are stationary and contain emission units.
- Respondent's Plant 1 and Plant 2 are subject to the fugitive dust emission regulations in the Indiana SIP at 326 IAC 6-4 because both Plant 1 and Plant 2 are sources and activities at both Plant 1 and Plant 2 generate particulate matter.

EPA enforcement officers are alleged to have on July 22, 2015 observed the generation of particulate matter at the limestone aggregate facility. The enforcement officers are further alleged to have observed the particulate matter crossing beyond the boundary line or property line of the facility.

As a result, the CAFO states that EAC violated 326 IAC 6-4 regarding fugitive dust, by generating particulate matter that was visible crossing the boundary line or property line of the limestone aggregate facility.

The CAFO assesses EAC a civil penalty of \$6,000.

[Click here to download a copy of the CAFO.](#)