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Air Enforcement: Arkansas Department of Environmental Quality and Pope County, Arkansas Rock Crushing Facility Enter into Consent Administrative Order

Arkansas Environmental, Energy, and Water Law Blog

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The Arkansas Department of Environmental Quality and Duffield Gravel Company ("DGC") entered into an October 4th Consent Administrative Order ("CAO") addressing alleged air violations. See LIS No. 16-080.

The CAO states that DGC owns and operates a rock crushing facility ("Facility") in Pope County, Arkansas.

The Facility was previously granted coverage under Minor Source General Air Permit for Rock Crushing Facilities ("Permit").

The CAO provides that as an owner and operator of a stationary Reciprocating Internal Combustion Engines ("RICE") at an area source of Hazardous Air Pollutant emissions, the Facility was subject to 40 C.F.R. Part 63, Subpart ZZZZ ("Subpart ZZZZ"). Three affected stationary RICE are stated to be located at the Facility.

The CAO identified certain alleged violations including:

- Three stationary RICE with a combined total horsepower exceeding the amount allowed in Specific Condition 12 of the Permit
- Failure to install and maintain a catalyst and failing to reduce the emissions of carbon monoxide as required by Tables 2b and 2d of the Permit
- Failure to comply with the applicable notification requirements of § 63.6645 of Subpart ZZZZ and in 40 C.F.R. Part 63, Subpart A violating Specific Condition 82 and Specific Condition 112 of the Permit
- Failure to conduct an initial performance test or other initial compliance demonstration on the stationary RICE, according to Table 4 and Table 5 of the Permit violating Specific Condition 87 and Specific Condition 102 of the Permit
- Failure to equip the facility's three RICE with either:
 - a closed crankcase ventilation system that prevents crankcase emissions from being emitted to the atmosphere; or
 - an open crankcase filtration emission control system that reduces emissions from the crankcase by filtering the exhaust stream to remove oil mist, particulates, and metals
- Failure to install on its RICE 1-3 either:

- a Continuous Emissions Monitoring System (“CEMS”) to continuously monitor carbon monoxide and either oxygen or carbon dioxide at both the inlet and outlet of the oxidation catalyst; or
- a Continuous Parameter Monitoring System (“CPMS”) to continuously monitor catalyst inlet temperature
- Failure to submit its first semi-annual Compliance Report and subsequent semi-annual Compliance Reports

DGC is stated to have informed ADEQ that it:

- Had contacted environmental consulting firms to address the agency findings
- Was exploring options to order oxidation catalyst to install on its stationary RICE that was expected to be installed within 15 weeks
- Plans to schedule initial performance testing of its stationary RICE after installation of the oxidation catalysts
- Expects the appropriate permit application to ADEQ within 120 days

The CAO states that as of August 25th DGC had not provided assurances that the actions had been completed.

DGC neither admits nor denies the factual and legal allegations contained in the CAO.

The CAO requires that DGC undertake the following actions:

- Within 30 days of the effective date of the CAO, submit an administratively complete Air Permit application for the appropriate permit type to address the violations referenced in FINDINGS OF FACT Paragraph 7 of the CAO
- Within 15 calendar days of the effective date of the CAO, submit copies of records documenting the installation on its stationary RICE, identified in Table 1, with either:
 - A CEMS to continuously monitor carbon monoxide and either oxygen or carbon dioxide at both the inlet and outlet of the oxidation catalyst; or
 - A CPMS to continuously monitor catalyst inlet temperature
- Within 15 days of the effective date of the CAO submit copies of records documenting the installation on its stationary RICE, identified in Table 1, with either:
 - A closed crankcase ventilation system that prevents crankcase emissions from being emitted to the atmosphere; or
 - An open crankcase filtration emission control system that reduces emissions from the crankcase by filtering the exhaust stream to remove oil mist, particulates, and metals
- Within 30 days of the effective date of the CAO, it must begin the initial performance testing of the three stationary RICE identified in Table 1
- Comply with report submittal requirements of Specific Condition 116 of the Permit, including the past-due semi-annual Compliance Reports
- Within 90 days of the effective date of the CAO, submit all past-due notifications required by § 63.6645 of Subpart ZZZZ and in Subpart A

DGC is required to pay a civil penalty of \$4,800, or one-half of the penalty, \$2,400, if the document was signed and returned to ADEQ by September 30.

[A copy of the CAO can be downloaded here.](#)