

Air Enforcement: Arkansas Department of Environmental Quality and Hot Springs County, Arkansas Brick Manufacturing Facility Enter into Consent Administrative Order



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The Arkansas Department of Environmental Quality (“ADEQ”) and ACME Brick Company (“ABC”) entered into an August 31st Consent Administrative Order (“CAO”) addressing alleged violations of an air permit. See LIS No. 18-078.

The CAO provides that ABC owns and operates a clay brick manufacturing facility (“Facility”) in Hot Springs County, Arkansas.

The ABC Facility holds an Air Operating Permit (“Permit”).

ADEQ personnel are stated to have conducted a routine compliance inspection of the Facility on April 5, 2018, for the reporting period of March 2017 through February of 2018. The inspection is stated to have determined that the Facility failed to perform monthly opacity observations for certain sources. A table in the CAO is stated to identify the months the Facility failed to provide documentation of opacity readings at certain sources. Such alleged failure is stated to violate Specific Conditions 4, 11, 17, and 21 of the Permit.

Records provided by ABC during the inspection are stated to have indicated two failing pressure drop readings at certain sources. It further provides that Specific Condition 48 and 40 CFR Part § 63.6650 (Subpart ZZZZ – National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines) of the Permit required the Facility to include instances of monthly pressure drop readings in the report as deviations. In addition, the Facility is stated to be required to submit semi-annual reports if there were instances of any deviations or malfunctions during the reporting period. The reports submitted by ABC on January 30, 2018, are stated to have failed to include the two pressure drops, violating Specific Condition 48 of the Permit.

ABC is stated to have submitted a permit modification to ADEQ on May 11, 2018, requesting the incorporation of results of engineering performance tests conducted and to incorporate Subpart JJJJ into the Permit. Further, in a temporary variance request dated June 26, 2017, ABC stated that after multiple engineering stack tests, it was found that emission levels were above the permitted limits for one or more pollutants. Such tests are stated to have been conducted to evaluate emissions and to provide updated emission factors for re-permitting purposes.

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

The CAO provides that until ADEQ issues a final air permitting decision on the Permit Modification application, ABC, at its own risks and with no guarantee that a final permit will be issued, may operate in accordance with the Permit Modification application as it existed at the time ADEQ deemed it administratively complete on May 18, 2018. Further, within 60 calendar days of the effective date of the CAO, ABC is required to submit to ADEQ annual visible emissions for the opacity limits assigned for certain specified sources for the months of March through August 2018 to show compliance with the relevant conditions. Also, within 30 days of the effective date of the CAO, ABC is required to submit to ADEQ a revised Subpart ZZZZ Semi-Annual Compliance Report for the year 2017 to include two monthly pressure drops at SN-19 and any other pressure drop deviations to show compliance with Specific Condition 48 and 40 CFR Part § 63.6650 (Subpart ZZZZ).

The CAO assesses a civil penalty of \$2,400.

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