

ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

AFIN: 14-00694

LIS No. 17-034

CROCHET EQUIPMENT COMPANY, INC.
411 COLUMBIA 246
MAGNOLIA, ARKANSAS 71753

NOTICE OF VIOLATION

TO: CROCHET EQUIPMENT COMPANY, INC.
P.O. BOX 267
MADISONVILLE, LOUISIANA 70447

RANDOLPH J. CROCHET, JR., PRESIDENT
121 BROOKSTONE DRIVE
COVINGTON, LOUISIANA 70433

CLARENCE F. FAVRET, III, REGISTERED AGENT
650 POYDRAS STREET, SUITE 2220
NEW ORLEANS, LA 70130

Notice is hereby given that the Director of the Arkansas Department of Environmental Quality (ADEQ) has determined that there are reasonable grounds to believe that Crochet Equipment Company, Inc. (Respondent) has committed the following violations of the Arkansas Water and Air Pollution Control Act ("the Act"), Ark. Code Ann. § 8-4-101 *et seq.*, and the regulations promulgated thereunder.

This Notice of Violation (NOV) is issued in accordance with the provisions of the APC&EC Regulation 7: Civil Penalties and APC&EC Regulation 8: Administrative Procedures.

ALLEGATIONS AND PROPOSED FINDINGS OF FACT

1. Respondent owned and operated an air curtain incinerator located at 411 Columbia 246 in Magnolia, Columbia County, Arkansas.

2. ADEQ issued Air Permit 2099-A (“the Permit”) to Respondent on January 20, 2006.

3. Crochet Equipment Company, Inc., had a 10-year contract with Columbia County on the incinerator. That contract expired on June 30, 2016. Columbia County purchased the incinerator from Crochet Equipment Company, Inc., upon expiration of the contract.

4. Ark. Code Ann. § 8-4-217(a)(3) provides:

(a) It shall be unlawful for any person:

...

(3) Violate any provisions of this chapter or of any rule, regulation, or order adopted by the Arkansas Pollution Control and Ecology Commission under this chapter or of a permit issued under this chapter by the Arkansas Department of Environmental Quality.

5. Ark. Code Ann. § 8-4-103(c)(1)(A) as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311 authorizes ADEQ to assess an administrative civil penalty not to exceed ten thousand dollars (\$10,000) per violation for any violation of any provision of the Act and any regulation or permit issued pursuant to the Act.

6. Pursuant to Ark. Code Ann. § 8-4-103(c)(1)(B) as referenced by Ark. Code Ann. § 8-4-304, “Each day of a continuing violation may be deemed a separate violation for purposes of penalty assessment.”

7. On February 25, 2016, ADEQ conducted a routine compliance inspection of Respondent’s facility. The time period covered by this inspection was January 2015 through January 2016.

8. In accordance with Specific Condition 8 of the Permit, the Respondent shall take daily observations of opacity from the Air Curtain Incinerator (SN-01) using EPA Reference Method 9. Observations must be conducted after its initial compliance test for opacity and then

conducted on all days that SN-01 is operated. The initial compliance test was conducted on February 15, 2011.

9. On the date of the inspection, Respondent failed to provide records of daily observations of opacity at SN-01. Such failure violates Specific Condition 8 of the Permit therefore violates Ark. Code Ann. § 8-4-217(a)(3) as referenced by Ark. Code Ann. § 8-4-304.

10. In accordance with Specific Condition 11 of the Permit, Respondent shall conduct an initial compliance test for opacity and then conduct tests no more than 12 calendar months following the date of the previous test. Respondent established an initial compliance date for opacity on February 15, 2011; therefore, test results should have been reported to ADEQ on or before the following dates: February 15, 2012, February 15, 2013, February 15, 2014, February 15, 2015, and February 15, 2016. On the date of inspection, Respondent failed to provide records to demonstrate compliance with annual opacity compliance testing at SN-01. Such failures violate Specific Condition 11 of the Permit and therefore violate Ark. Code Ann. § 8-4-217(a)(3) as referenced by Ark. Code Ann. § 8-4-304.

11. In correspondence dated February 25, 2016, ADEQ notified Respondent of preliminary inspection findings.

12. In a response dated April 8, 2016, Respondent provided the following corrective action steps:

- (a) Reiterate daily observation requirements;
- (b) Scheduled EPA Method 9 training for Incinerator Operator and Landfill Supervisor by the end of April 2016;
- (c) Conduct annual compliance test for opacity in accordance with Specific Condition 11;
- (d) Submit annual compliance opacity test results to ADEQ;

13. ADEQ contacted Respondent via email on August 15, 2016, about the proposed corrective actions. In a telephone call on August 18, 2016, Respondent stated that two (2)

individuals are now certified for EPA Reference Method 9; however, the Respondent was unable to provide documentation of daily readings when SN-01 is operated. On August 25, 2016, Respondent submitted copies of the EPA Reference Method 9 certifications.

14. The Permit was transferred from Crochet Equipment Company, Inc., to Columbia County effective October 19, 2016.

15. On October 31, 2016, ADEQ mailed a proposed Consent Administrative Order (CAO) detailing the violations to Respondent. Respondent responded with a letter to ADEQ dated December 5, 2016, in which Respondent requested that ADEQ rescind the penalties in the proposed CAO. On December 19, 2016, ADEQ mailed a revised CAO with reduced penalties to Respondent and requested a response from Respondent by January 3, 2017. The December 19, 2016 CAO was signed for and received by Respondent on December 22, 2016, but ADEQ has received no response.

PROPOSED CIVIL PENALTY ASSESSMENT AND CORRECTIVE ACTION

1. This NOV addresses all violations set forth in the FINDINGS OF FACT.
2. For violations specified in the **PROPOSED FINDINGS OF FACT**, Respondent is assessed a civil penalty of **SEVEN THOUSAND THREE HUNDRED FIFTY DOLLARS (\$7,350.00)**. Payment shall be due within thirty (30) calendar days of the effective date of this NOV, be made payable to the Arkansas Department of Environmental Quality, and mailed to the attention of:

ADEQ, Fiscal Division
5301 Northshore Drive
North Little Rock, Arkansas 72118-5317.


3. Nothing contained in this NOV shall be construed as a waiver of ADEQ's enforcement authority over violations not specifically addressed herein, nor does this NOV

exonerate past, present, or future conduct that is not expressly addressed herein. Nothing contained in this NOV shall relieve Respondent of any obligations imposed by any local, state, or federal laws, nor shall this NOV be deemed in any way to relieve Respondent of its responsibilities for obtaining or complying with any necessary permits or licenses.

THEREFORE TAKE NOTICE THAT:

If Respondent wishes to dispute the proposed Findings of Fact, corrective actions, or the proposed civil penalty assessment, Respondent must file a written request, compliant with APC&EC Regulation 8, for hearing on this NOV with the Secretary, Arkansas Pollution Control and Ecology Commission, 101 East Capitol, Suite 205, Little Rock, Arkansas 72201, within **twenty (20) calendar days** of the date of its receipt, or the allegations contained herein will be deemed proven. Upon timely filing a written request for hearing with the secretary of the APC&EC that is compliant with APC&EC Regulation 8, Respondent will be entitled to an adjudicatory hearing upon the allegations and matters stated in this NOV.

If no timely request for hearing is filed with the secretary of the APC&EC, the Director may issue a Default Administrative Order affirming the allegations as Findings of Fact, assessing civil penalties, and ordering the corrective actions stated herein.


BECKY W. KEOGH, DIRECTOR

ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY

DATE: 5/9/2017