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Air Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and Jefferson County Military Manufacturing/Depot Installation Enter into Consent Administrative Order

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The Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) and the U.S. Army, Pine Bluff Arsenal (“the Arsenal”) entered into an August 25th Consent Administrative Order (“CAO”) addressing alleged violations of an air permit. See LIS No. 20-169.

The CAO provides that the Arsenal owns and operates a military manufacturing and depot installation (“Depot”) located in Jefferson County, Arkansas.

The Depot is stated to be subject to an Air Operating Permit (“Permit”).

The Depot is stated to have exceeded emissions of NO_x and CO between April 26, 2019, and May 13, 2019, due to the Flue Gas Recirculation (“FGR”) system not operating properly. This was stated to have been reported in an Upset Condition Report dated May 1, 2019.

The Arsenal is stated to have provided to DEQ on May 2, 2019, a minor modification application to remove the FGR system from specified boilers and to raise emission limits for the boilers. Such modification application was approved on May 13, 2019. The FGR is stated to have been bypassed and eventually removed from the Arsenal.

The Arsenal is stated to have requested in a letter dated May 20, 2019, consideration under DEQ’s Environmental Self-Disclosure Incentive Policy for the alleged noncompliance issues associated with Specific Condition BCX-1 of the Permit. The Arsenal is stated to have identified the source of noncompliance as the FGR system not operating properly. Further, the noncompliance was discovered through a contractor bypassing the FGR system on April 30, 2019. The Arsenal is also stated to have discovered that the boiler house operators were improperly reporting natural gas usage for the boilers.

DEQ subsequently informed the Arsenal that it did not meet all eight conditions of the Self-Disclosure Incentive Policy.

Paragraph 10 of the CAO provides:

The violation must have been discovered through either (a) an environmental audit, or (b) an environmental management system that reflects due diligence in preventing, detecting, and correcting violations. Though these factors were not satisfied for full eligibility under the Policy, DEQ encourages and may offer partial penalty mitigation for those who voluntarily disclose, expedite a return to compliance, and cooperate fully through the enforcement process.

The CAO requires that the Arsenal provide DEQ within 30 days of the effective date of the document reports of natural gas usage at the boilers for three months. Further, a civil penalty of \$500 is assessed.

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