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Air Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and Mississippi County Carbon Processing Facility Enter into Consent Administrative Order

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The Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) and Mid-Continent Coal & Coke Company (“Mid-Continent”) entered into a December 17th Consent Administrative Order (“CAO”) addressing an alleged violation of an air permit. See LIS No. 20-194.

Mid-Continent is stated to own and operate a carbon processing facility (“Facility”) in Blytheville, Arkansas. The Facility operates pursuant to an air permit.

Mid-Continent is stated to have submitted emission test results to DEQ for emissions testing conducted at the Carbon System Air Heater with Baghouse (SN-01) on June 30, 2020. SN-01 is stated to be subject to 40 C.F.R. Part 60 – Standards of Performance for New Stationary Sources, Subpart Y – Standards of Performance for Coal Preparation and Processing Plants.

The CAO provides that a review of the emission test results indicated that SN-01 exceeded the permitted and Subpart Y emissions rate limit for Particulate Matter (“PM”) during the emissions testing. It further provides that the permitted and Subpart Y emissions rate limit for PM at SN-01 was 0.01 gr/dscf. It is alleged that the average PM emissions rate recorded at SN-01 during the test was 0.021 gr/dscf. This allegedly violated Specific Condition 14 of the Permit.

DEQ is stated to have informed Mid-Continent that SN-01 was out of compliance. Mid-Continent is stated to have submitted emission test results for re-testing conducted on August 25th which indicated it was in compliance.

DEQ on September 17th emailed Mid-Continent a Formal Enforcement Letter regarding the alleged exceedance. Mid-Continent responded stating that after the failed emissions test the Facility began changing the bags out. Further, it also conducted an engineering test on July 15th and found additional bag issues due to a third-party supplier. It further stated that it then:

. . . contacted the original baghouse manufacturer to do a study on the facility’s dust particle size and ordered a new set of bags. The new bags were installed and a re-test of SN-01 was performed on August

25, 2020. The results of the re-test indicated that SN-01 as in compliance with the permitted and Subpart Y emissions rate limit for PM at the time of re-test.

Mid-Continent neither admits nor denies the factual and legal allegations contained in the CAO.

A civil penalty of \$960 is assessed which could have been reduced to \$480 if the CAO was signed and returned to DEQ by December 18th.

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