

Air Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and Miller County Sand Plant Owner Enter into Consent Administrative Order



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The Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) and Performance Proppants, LLC (“PPL”) entered into a December 17th Consent Administrative Order (“CAO”) addressing an alleged violation of an air permit. See LIS No. 20-195.

The CAO provides that PPL owns and operates a sand plant (“Plant”) in Doddridge, Arkansas.

The Plant is stated to operated pursuant to an air permit (“Permit”).

PPL is stated pursuant to a July 6th letter to have requested consideration under DEQ’s Environmental Self-Disclosure Incentive Policy (“Policy”) regarding installing and operating five fuel tanks that were not addressed in the Permit. The five tanks are identified in Paragraph 6 of the CAO.

Pursuant to an email addressed to DEQ, PPL provided the correct number of tanks and their capacity in the July 6th Self-Disclosure letter. These tanks are described in Paragraph 7 of the CAO.

PPL is stated to have submitted an Air Permit Modification application on July 29th to DEQ to add the tanks listed in Paragraph 7 to the Permit. Such application has been deemed administratively complete.

DEQ is stated to have determined, after review of the Air Permit Modification, that the six Diesel – Red Dyed tanks and the one Diesel – Clear tank will be added to the Permit as Insignificant Activities. The gasoline tank is subject to 40 C.F.R. Part 63, 3, Subpart CCCCCC- National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities and will be added to the Permit as Source Number 22. Further, it was determined that PPL installed and operated an unpermitted source (gasoline tank), violating General Condition 16 of the Permit.

DEQ is stated to have informed PPL in August 12th correspondence that its review of PPL’s Self -Disclosure indicated that the Plant met all eight conditions of the Self-Disclosure Policy. Therefore, DEQ found that it could mitigate up to 100% of the civil administrative penalty for the alleged violations.

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

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