



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

Air Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and Mountain Home Hot Mix Asphalt Facility Enter into Consent Administrative Order

06/30/2021

The Arkansas Department of Energy and Environment - Division of Environmental Quality (“DEQ”) and North Central Arkansas Quarry, Inc., (“North Central”) entered into a May 13th Consent Administrative Order (“CAO”) addressing alleged violations of an air permit. See LIS No. 21-040.

The CAO provides that North Central owns and operates a Hot Mix Asphalt facility (“Facility”) in Mountain Home, Arkansas.

The Facility is operated pursuant to a general air permit. The air permit is referenced as a:

General Air Permit for Minor Source Hot Mix Asphalt Facilities (“Permit”)

DEQ is stated to have conducted a compliance inspection on October 1, 2020, of the North Central Facility. The inspection is stated to have covered the reporting period of September 2019 through August 2020.

The CAO provides that during the inspection it was observed that a significant amount of particulate matter (“PM”) dust is being emitted from the haul roads on the plant site as well as from the entrance roads at the Facility. The dust is stated to have been picked up by the wind and carried by the moving trucks to County Road 603 and beyond the Facility property line. This is stated to violate Specific Conditions 5 and 16 of the Permit.

The CAO also provides that during the inspection it was determined that North Central failed to conduct emissions testing at the asphalt plant exhaust stack within the required time period. North Central is stated to have requested and received an extension to the testing deadline. It is further stated that as of October 1, 2020, North Central had not conducted the required emissions testing at the asphalt plant exhaust stack violating Specific Condition 18 of the Permit.

DEQ provided North Central the opportunity to respond to the alleged inspection issues to which the company submitted a response and provided the following information:

- Regarding the compliance issues listed in Paragraph 7 above, Respondent stated that "This was a very windy day and particulate matter (dust) was being picked up by the wind. County Road 603 is connected to the property line and also the parking area of the quarry scale house. There is a water truck permanently on site at all times and will be used, in a more timely manner, to avoid violating S.C. #5 & S.C. #16."
- Regarding the compliance issues listed in Paragraph 8 above, Respondent stated that "We have been in contact with Environmental Services Company, Inc. out of Little Rock and we are working out a date to have the stack tested. We have to take into account the production availability, the weather, and also the employees that can be present, on all sides, as pertains to all the current Covid-19 rules and regulations. We will be in contact with the Department as soon as a date is scheduled."

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

The CAO requires that within 15 calendar days of its effective date, North Central submit a test protocol for PM and opacity testing at the asphalt plant exhaust stack. Further, within 30 calendar days of the effective date of the CAO emissions testing at the asphalt plant exhaust stack for PM and opacity are required to be conducted. Finally, within 90 calendar days of the effective date of the CAO, North Central is required to submit the emissions test results to DEQ.

A civil penalty of \$3,580 is assessed. However, the penalty could have been reduced by one-half if the CAO was signed and returned to DEQ prior to 4:00 p.m. on May 8th.

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