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# Air Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and University of Arkansas for Medical Sciences Enter into Consent Administrative Order

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The Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) and the Board of Trustees of the University of Arkansas Acting For and on Behalf of the University of Arkansas for Medical Sciences (“UAMS”) entered into a June 18th Consent Administrative Order (“CAO”) addressing alleged violations of an air permit. See LIS No. 21-057.

The CAO provides that UAMS owns and operates a general medical and surgical hospital (“Facility”) in Little Rock, Arkansas.

The Facility holds Air Permit 2125-AOP-R6 (“R6”). It previously held Air Permit 2125-AOP-R5 (“R5”).

DEQ personnel are stated to have conducted a compliance inspection at the Facility on August 31, 2020. The inspection is stated to have covered the reporting period of May 2018 through July 2020.

The CAO provides that certain sources at the Facility are subject to 40 C.F.R. Part 60, Subpart III – Standards of Performance for Stationary Compression Ignition Internal Combustion Engines (“Subpart III”).

The Facility is alleged to have:

- Exceeded the permitted visual emission limit at the MCEP Diesel Generator #3, COPH Diesel Generator, the CI#3 Generator and failed to conduct visual emission readings in accordance with the EPA Method 9
- Failed to conduct the required amount of EPA Method 9 observations during visual emission testing
- Failed to put the generator through the required operating modes
- Failed to report certain visual emissions exceedances

UAMS provided a response to DEQ with the following information:

1. Regarding the compliance issues listed in Paragraph 8 and 9 above, Respondent stated their technicians were being retrained on EPA Method 9. Respondent also stated that “[each of these engines require a load (building load or load bank) to achieve a passing opacity test. Most of our

annual opacity testing dates fall on a NFPA 110 weekly test where there is no load available. Changing our annual opacity test date to correspond with our annual NFPA 110 load bank test or transfer[sic] switch tests would eliminate this issue. UAMS requests permission to adjust our annual opacity test dates to correspond with our annual NFPA load bank tests and/or transfer switch tests.

2. Regarding the compliance issues listed in paragraph 10 above, Respondent stated that "[e]ach of these instances were recorded during our weekly NFPA 110 testing. No weekly test runs for more than 15 minutes on any generator. According to Pollution Control and Ecology Commission [R]ule 19 (19.601), these would not qualify as a reportable "Upset Condition". Given permission, changing our annual opacity readings to correspond with our NFPA 110 annual load bank testing or transfer switch testing will either eliminate readings like this or create true reportable conditions.

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

UAMS is required within 30 calendar days of the effective date of the CAO to submit to DEQ documentation that the Facility's technicians have been retrained on EPA Method 9. Further, within 30 calendar days of the effective date UAMS is required to submit written notification to DEQ of when the Facility's NFPA 110 annual load bank testing is scheduled to be conducted. In addition, there is a requirement that UAMS will, within 30 calendar days of the effective date conduct the NFPA 110 annual load block testing at the Facility and submit the visual emissions results to DEQ.

A civil penalty of \$4,840 is assessed.

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