

Air Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and Benton County Medical Complex Enter into Consent Administrative Order



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The Arkansas Department of Energy and Environment - Division of Environmental Quality ("DEQ") and Mercy Health System of NWA ("Mercy") entered into a July 7th Consent Administrative Order ("CAO") addressing an alleged violation of an Arkansas air regulation. See LIS No. 21-065.

The CAO provides that Mercy owns and operates a medical complex ("Facility") in Benton County, Arkansas.

The Facility is stated to have been issued an air permit (2130-A)("Permit").

DEQ personnel are stated to have performed a compliance inspection of the Facility on October 7, 2020. Such inspection is stated to have covered the reporting period of January 2019 through September 2020.

The inspection is stated to have indicated that the Facility had installed and operated a 2300 KW Cummings Tier 4 Generator without a permit. The generator's runtime meter is stated to have indicated that it had operated 175 hours. This allegedly violated Arkansas Pollution Control and Ecology Commission ("Commission") Reg. 18.301.

Mercy is stated to have responded to DEQ correspondence regarding the inspection and requested information as to how to insert the unpermitted source into the permit. DEQ is stated to have indicated that Mercy would need to contact the DEQ Office of Air Quality regarding submission of a permit modification application.

Mercy submitted a permit modification application on March 16th regarding the addition of the Generator 2300 KW Cummings Tier 4 to the permit. DEQ personnel determined on March 31st that the permit modification application was administratively complete.

The CAO provides that Mercy neither admits nor denies the factual and legal allegations contained in the CAO.

The Facility is required to comply with the conditions and emission limitations contained within the permit modification application until a final permit is either issued or denied.

A civil penalty of \$3,360 is assessed which could have been reduced by one half if the document was signed and returned to DEQ by July 7th.

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