

Air Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and Russellville Air Curtain Incinerator Operator Enter into Consent Administrative Order

09/01/2021

The Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) and R.E.C. Transport, Inc. (“R.E.C.”), entered into a July 26th Consent Administrative Order (“CAO”) addressing an alleged violation of an air permit. See LIS No. 21-076.

The CAO provides that R.E.C. owns and operates an Air Curtain Incinerator in Russellville, Arkansas.

Authority to operate the Air Curtain Incinerator is stated to be provided by a General Air Permit (Tracking No. 2370-AGP-011).

DEQ is stated to have conducted compliance inspection of the facility on October 20, 2020. Such inspection covered the reporting period of March 2019 through September 2020.

Special Condition 25 of the previously referenced air permit states that within 60 days after the Air Curtain Incinerator reaches the charge rate at which it will operate, but no later than 180 days after its initial startup, the permittee is required to meet two limitations which are described in the CAO. Further described in the CAO is Plantwide Condition 3 of the air permit which requires that the permittee undertake certain tests. In addition, the CAO notes that Plantwide Condition 3 requires notification to DEQ of the scheduled date of certain compliance testing.

The CAO alleges:

The Permit was issued on March 13, 2019; the opacity testing was required to be conducted on or before September 9, 2019. Respondent conducted a single one hour block of opacity observations on April 23, 2019, April 30, 2019, and May 3, 2019. During the inspection, DEQ personnel reviewed the opacity observation records and determined that due to Respondent conducting the opacity observations on different days, the opacity observations were invalid. Furthermore, Respondent failed to submit an Air Compliance - Stack Test Protocol Form to DEQ at least 15 working days before the test. Respondent failed to conduct the required opacity testing at the air curtain incinerator within 180 days of initial startup and the issuance of the Permit. Such failure violates Specific Condition 25 and Plantwide Condition 3 of the

Permit and therefore violates Ark. Code Ann. § 8-4-2 I 7(a)(3) as referenced by Ark. Code Ann. § 8-4-304. Such failure also violates Subpart CCCC.

General Provision 7 of the permit is stated to require the submission of certain reports regarding monitoring every six months. DEQ allegedly determined during the inspection that two semi-annual reports due to DEQ were not submitted along with monthly and 12-month rolling data in the reports – therefore, violating Provision 7.

R.E.C. responded to a DEQ query on November 30, 2020, and provided the following information:

1. Regarding the compliance issues listed in Paragraphs 8 and 9 above, Respondent stated that the facility would conduct the opacity testing in December 2020 and would submit an Air Compliance - Stack Test Protocol Form to DEQ.
2. Regarding the compliance issues listed in Paragraph 10 above, Respondent stated that the facility is now aware of the proper format for the reports and steps have been put in place to make sure that this does not happen again.

R.E.C. submitted test results for visible emissions testing of the Air Curtain Incinerator on February 9, 2021. Such tests indicated that R.E.C. was in compliance with the permitted visible emission rate limits.

An addendum was submitted to SAM reports #1 and #2 on May 21, 2021, which included the monthly and 12-monthly rolling totals.

A civil penalty of \$1,500 is assessed.

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