

Air Enforcement: Arkansas Department of Energy & Environment - Division of Environmental Quality and Alexander Metal Finishing Facility Enter into Consent Administrative Order



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

02/08/2022

The Arkansas Department of Energy & Environment – Division of Environmental Quality (“DEQ”) and PPG Industries, Inc. (“PPG”) entered into a January 24th Consent Administrative Order (“CAO”) addressing alleged violations of an air permit. See LIS No. 22-010.

The CAO provides that PPG owns and operates a facility (“Facility”) located in Alexander, Arkansas which manufactures conventional and high solids metal finishes, extrusion finishes, and wood finishes.

The Facility is stated to hold an air permit (“Permit”).

DEQ personnel are stated to have conducted a compliance inspection of the Facility on April 15, 2021. The inspection is stated to have covered the reporting period of July 2018 through March 2021.

The Facility is stated to be subject to the provisions of 40 C.F.R. Part 63, Subpart CCCCCC – National Emission Standards for Hazardous Air Pollutants for Area Sources: Paints and Allied Products Manufacturing (Subpart CCCCCC).

The inspection is stated to have determined that PPG failed to conduct and record Method 22 visual determination of emissions from the particulate control devices at four sources every three months. The CAO contains a table which provides certain related information. Such alleged failures are stated to violate Specific Conditions 17 and 18 of the Permit.

Records reviewed during the inspection are stated to have indicated that PPG failed to prepare the Annual Compliance Certification (“ACC”) reports for 2018, 2019, and 2020 by the following January 31st for each respective year. The Facility is also stated to have failed to submit the 2018 and 2020 ACC reports although they reported deviations within the respective reporting periods. These alleged failures are stated to violate Specific Condition 9 of the Permit.

PPG submitted a response to an ADEQ letter regarding the alleged compliance issues stating:

. . . subsequent to "PPG's last correspondence and while implementing and completing the above-noted corrective actions to ensure that the Method 22 inspections are completed every 3 months, it was discovered that some of the missing visible emissions inspections as noted by ADEQ were indeed completed by the plant EHS Technician, Chris Santee. The Method 22 visible emissions inspection process

that was in place consisted of Chris Santee completing the visible emissions inspection during the batch making process while the operators were adding solids to the process vessels. Once the visual emissions inspections were completed and no emissions were observed, he would sign the batch tickets indicating the completion of the visual emissions inspection. We subsequently found records, as provided in Attachment A, that indicate that the Method 22 visual emission inspections were completed on the following dates:

- 4/20/20 -for Q2 2020
- 9/14/20 -for Q3 2020
- 4/9/21 -for Q2 2021
- 5/25/21 -for Q2 2021

As to the alleged ACC issues, PPG stated:

PPG acknowledges that the Annual Compliance Certifications were prepared and submitted as stated above. As noted above, PPG has already taken corrective action steps with respect to this annual certification requirement. Specifically, an action item with annual calendar reminders has been setup in our Compliance Tracking System to ensure that the Annual Compliance Certifications are timely prepared by January 31st and submitted by February 15th (if there are deviations) in accordance with NESHAP CCCCCC and Specific Condition 19 of the facility's air permit.

DEQ determined that after review of the records submitted by a PPG response that they did not qualify as a Method 22 visible emissions test for the reasons described in the CAO.

On November 12, 2021, PPG indicated that a new Method 22 observation form and an environmental compliance tracking system that identifies environmental compliance items, due dates, personnel responsible and task description with respect to the applicable requirements under NESHAP CCCCCC were being implemented. Further, PPG included a copy of the 2018 and 2020 ACC reports.

The CAO provides that PPG neither admits nor denies the factual and legal allegations contained in the CAO. Further, within 15 calendar days of the effective date of the CAO PPG is required to develop and submit to DEQ for approval a Method 22 observation document which must include certain items.

PPG is also required to conduct and submit the Method 22 observations to DEQ utilizing the approved Method 22 document referenced in the CAO. The observation documents are required to be submitted to DEQ within 15 calendar days of the date the observations are conducted.

A civil penalty of \$6,048 is assessed.

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