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Air Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and Monticello Powdered Activated Carbon Facility Enter into Consent Administrative Order

05/09/2022

The Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) and EnviraPAC Monticello, LLC (“EM”) entered into an April 26th Consent Administrative Order (“CAO”) addressing alleged violation of an air permit. See LIS No. 22-045.

The CAO provides that EM owns and operates a powdered activated carbon facility (“Facility”) in Monticello, Arkansas.

The Facility is stated to operate pursuant to an air permit – 2361-AR-1 (“Permit”).

DEQ personnel are stated to have undertaken an inspection of the Facility on September 9, 2021, pursuant to a September 2, 2021, complaint. The inspection is stated to have included an observation that the complainant’s property (including car and canopy) were covered in ash from carbon waste. During the site visit at the EM Facility the ash from the carbon waste was stated to have been observed on the ground in various locations around the Facility.

A subsequent DEQ inspection is stated to have been conducted on September 9 and 23, 2021.

The following alleged violations were identified during the inspection:

- Caused or permitted air contaminants (particulate matter in the form of ash or carbon waste) to become airborne
- Failure to conduct emissions testing at SN-07 within 24 months of startup
- Failure to install a continuous chart recorder to record the measured temperature of the combustion chamber of SN-07
- Installation and operation of seven unpermitted sources at the Facility prior to having the sources added to the air Permit

EM is stated to have responded to a DEQ letter addressing the inspections noting:

1. Regarding the violations outlined in Paragraph 11 of the Findings of Fact, Respondent stated that the facility had developed a new Dust Management Plan and included a copy of the new plan with the response letter.
2. Regarding the violations outlined in Paragraph 13 of the Findings of Fact, Respondent stated that the facility has contracted with an emissions testing company and plans to test SN-07 during the next production run scheduled after January 1, 2022, when the facility restarts operations.
3. Regarding the violations outlined in Paragraph 15 of the Findings of Fact, Respondent stated that the facility has purchased (September 15, 2021) and installed (October 8, 2021) a Monarch Paperless Recorder. It is currently recording the required thermocouple output from SN-07. With the facility currently not operating, this temperature value has been displaying average ambient temperatures, though it is capable of reading up to 2498°F which is well above the 1562°F required in Specific Condition 10.
4. Regarding the violations outlined in Paragraph 17 of the Findings of Fact, Respondent stated that the facility will address new and removed emission sources in a permit revision.

EM submitted a permit modification application to DEQ on January 24th adding the seven unpermitted sources to the Permit. The permit modification application was deemed administratively complete on January 26th.

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

Within 30 calendar days of the effective date of the CAO EM is required, if it has not done so prior to execution of the document, to conduct emissions testing at SN-07 for NO_x, CO, and VOCs in accordance with Specific Condition 9 of the Permit. If the Facility is not in operation, the emissions testing is required to be conducted within 30 days of the re-start of operations at the Facility.

Within 60 calendar days of the effective date of the CAO EM is required, if it has not done so prior to the execution of the document, to submit the emissions test results to DEQ for emissions testing of SN-07. If the Facility is not in operation, then the test results shall be submitted to DEQ within 30 calendar days of the completion of the emissions testing.

A civil penalty of \$11,340 is assessed which could have been reduced by one-half if the CAO was returned to DEQ by April 18th.

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