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Air Enforcement: Arkansas Department of Energy & Environment - Division of Environmental Quality and Marion County Boat Manufacturing Facility Enter into Consent Administrative Order

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The Arkansas Department of Energy & Environment – Division of Environmental Quality (“DEQ”) and Advanced Marine Performance, LLC (“AMP”) entered into a June 21, 2022, Consent Administrative Order (“CAO”) addressing an alleged violation of a statutory requirement related to air pollution control. See LIS NO. 22-072.

The CAO provides that AMP owns and operates a recreational metal boat manufacturing facility (“Facility”) in Flippen, Arkansas.

The Facility is stated to operate pursuant to Air Permit 2388-A (“Permit”).

AMP is stated to have submitted a Major Source Air Permit Application on September 17, 2021, that included planned production increases, which was based on the addition of personnel and potential hours of operation. Further, a written request for a conditional interim authority to operate under the increased production parameters outlined in the permit application was submitted on September 28, 2021. DEQ granted such a request for interim authority on October 14, 2021.

The interim authority was stated to be limited to a period of no longer than 90 days from the date granted or until a final permit decision was made on the pending application, whichever came first. In addition, a stipulation of the interim authority required the Facility to submit any request for an extension at least 10 days before the interim authority expiration date.

AMP’s interim authority is stated to have expired on January 12th without a permit decision being made on the pending permit application. AMP is stated to have continued to operate at increased production without authorization beyond the interim authority expiration date allegedly violating Ark. Code Ann. § 8-4-230(a)(2).

DEQ is stated to have received on March 31st AMP’s request for interim authority to continue operating at increased production under the parameters outlined in the permit application submitted on September 17, 2021. This was granted by DEQ on April 11th.

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

The CAO requires AMP to continue to comply with the interim authority granted on April 11th. Further, any request for an extension must be made at least 10 calendar days before the interim authority expiration date of July 10th and address the same factors as the original request.

A civil penalty of \$4,480 is assessed which could have been reduced to one-half if the CAO was signed and returned to DEQ within 30 calendar days of its receipt.

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