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Air Enforcement: Arkansas Department of Energy & Environment - Division of Environmental Quality and Bearden Asphalt Plant Operator Enter into Consent Administrative Order

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The Arkansas Department of Energy & Environment – Division of Environmental Quality (“DEQ”) and Jet Asphalt & Rock Co., Inc., (“Jet”) entered into a June 16th Consent Administrative Order (“CAO”) to address an alleged violation of an air permit. See LIS No. 23-047.

The CAO provides that Jet owns and operates an asphalt plant (“Plant”) in Bearden, Arkansas. The Plant operates pursuant to General Air Permit Minor Source Hot Mix Asphalt Facilities (“Permit”).

DEQ personnel are stated to have conducted an inspection of the Plant on January 10th. The inspection is stated to have covered the reporting period of November 1, 2020, through January 30, 2022.

The Hot Mix Asphalt Baghouse is stated to have been last tested on August 1, 2017. As a result, the CAO provides that the next emissions test at this source should have been conducted on or before August 1, 2022. Therefore, it is alleged that DEQ personnel determined that the Plant failed to conduct the required emissions testing at this source within the five-year period, violating Specific Condition 18 of the Permit.

Jet responded on February 21st to this identified issue and stated that it was working to make sure that all Permit requirements are met. It further indicated that an air emissions testing company had been contracted to conduct testing as soon as there is enough asphalt production available to accommodate the requirements of the emissions test method.

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

Within 15 calendar days of the effective date of the CAO Jet is required (if it has previously not done so) to submit an emissions testing protocol form to DEQ for emissions testing at SN-01. Further, within 30 calendar days of the effective date of the CAO (if it has not previously done so) Jet is required to conduct emissions testing at SN-01 in accordance with Specific Condition of the Permit. Finally, within 60 calendar days of the effective date of the CAO, Jet is required (if it has not already done so), to submit the emissions test results to DEQ.

A civil penalty of \$8,640 is assessed which could have been reduced by one-half if the document was signed and returned to the agency by June 23rd.

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