

Air Enforcement: Missouri Department of Natural Resources and Clay County Rock Crushing Plant Enter into Administrative Order on Consent



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The Missouri Department of Natural Resources (“MDNR”) and Liberty Aggregates, LLC, (“Liberty”) entered into a July 17th Administrative Order on Consent (“AOC”) addressing alleged violations of the Missouri Air Regulations. See No. APCP-2022-049.

The AOC provides that Liberty operates a rock crushing plant (“Plant”) which processes quarried limestone in Clay County, Missouri.

Liberty is alleged to have violated 10 CSR 10-6.060(1)(A)(3), “Construction Permits Required” which requires an existing installation whose potential to emit exceeds de minimis threshold levels or is less than de minimis threshold levels due to taking practically enforceable requirements in a permit to obtain a construction permit before new construction and/or modification that can result in an emission increase.

Liberty is also alleged to have violated Special Condition 2 of its Construction Permit which limits its PM emissions to 15 tons in any 12-month period from the entire installation.

A demonstration utilizing a rock crusher on-site on or about June 2, 2022, to determine whether to purchase the equipment was stated to have been undertaken without first obtaining a temporary construction permit. The operation of such rock crusher is stated to result in an emission increase. As a result, the AOC provides that Liberty was required to have a temporary construction permit.

An MDNR inspector is also stated to have determined that the Plant’s 12-month rolling total as of May 2022 was 16.60727 tons – violating the 15-ton emission limit for a 12-month period.

The AOC provides that Liberty has begun the work to return to compliance. This is stated to have included the issuance of a new construction permit for the rock crusher and limitation of production to lower emissions.

The AOC assesses a penalty of \$9,550 which is required to be paid by certified check made payable to the Clay County Treasurer as trustee for the Clay County School Fund. However, the penalty will be reduced to \$7,640 if payment is received within 30 days of the date the AOC is sent to Liberty. Such reduction also requires that Liberty fully participate in the conference, conciliation, and persuasion process.

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