



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

Air Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and Little Rock Structural Steel Fabrication Facility Enter into Consent Administrative Order

12/30/2024

The Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) and Lexicon, Inc. (“LI”) entered into a November 19th Consent Administrative Order (“CAO”) addressing an alleged violation of an Air Permit. See LIS No. 24-157.

The CAO provides that LI owns and operates a structural steel fabrication shop located in Pulaski County, Arkansas.

The facility operates pursuant to an Air Permit.

ADEQ are stated to have conducted a compliance inspection of the facility on August 31, 2023. The inspection is stated to have covered the reporting period of July 2020 through July 2023.

The inspection is stated to have determined that the facility exceeded the daily permit limit of abrasive material for surface preparation at SN-01E on 90 occasions between April 17, 2023, and July 31, 2023, violating Specific Condition 11 of the Air Permit. The inspection is also stated to have determined that the facility exceeded the daily sand usage limit at SN-01E on five occasions during the inspection period, violating Specific Condition 14 of the Air Permit.

In response to DEQ correspondence, LI is stated to have notified the agency in a May 10, 2023 letter that the facility exceeded the daily sand usage rate at the Prospect Steel Building – Outside Sand Blasting. In addition, to resolve the compliance issues, LI stated they would develop a minor air permit modification application to increase the abrasive material usage limit at SN-01E.

LI submitted a permit modification application to remove the daily limit from SN-01E and combine the daily limits of SN-01E and SN-02B with a new daily limit of 36,000 pounds per day. DEQ issued an Air Operating Permit on January 23rd.

LI submitted in response to DEQ’s submission of a CAO a proposed Supplemental Environmental Project (SEP) to be included in the CAO. However, DEQ is stated to have determined that it did not meet DEQ guidelines.

LI submitted to DEQ a proposed Environmental Improvement Project (EIP). It requested implementing the EIP and in return DEQ would forgo formal enforcement for the violations listed in the Findings of Fact section of the CAO. DEQ denied this request.

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

A civil penalty of \$4,680.00 is assessed.

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