

Air Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and Springdale Baking Facility Enter into Consent Administrative Order



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The Arkansas Department of Energy and Environment - Division of Environmental Quality ("DEQ") and Newly Weds Foods, LLC ("NWF") entered into a March 25th Consent Administrative Order ("CAO") addressing and alleged violation of Arkansas Pollution Control and Ecology Commission Rule 26. See LIS No. 25-016.

The CAO provides that NWF owns and operates a baking facility in Springdale, Arkansas.

The CAO provides that DEQ's Air Permit Branch received a minor source permit application for NWF on March 27, 2024. The application is stated to have included engineering test results for VOCs at the baking line as estimated emission factors for a Regenerative Thermal Oxidizer ("RTO") in place.

A review of the minor source permit application confirmed that the RTO had not yet been installed, and therefore the application was deemed incomplete. Further, the CAO states that a review of the engineering test report included in the application indicated that the VOC emissions without RTO controls were roughly 178 tpy, thus exceeding the 100 tpy VOC threshold and requiring a Title V permit.

The CAO therefore states that NWF operated without a Title V permit, violating Arkansas Pollution Control and Ecology Commission Rule 26.301(A).

NWF requested a consideration under DEQ's Environmental Self-Disclosure Incentive Policy ("Policy") for its disclosure of the non-compliance issues associated with the facility. However, DEQ determined that the facility did not meet the conditions of the Policy.

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

The CAO requires that within 30 calendar days of its effective date that NWF withdraw the minor source permit application. Further, within calendar days of the effective date of the CAO, NWF is required to submit a compliance plan and schedule the installation of the RTO.

The RTO is required to be installed according to the compliance plan and schedule outline in paragraph 2 of the CAO's Order and Agreement. In addition, within 60 days after the RTO startup, NWF shall conduct emissions testing for the VOC.

NWF is also required within 60 calendar days after conducting emissions testing for VOCs, to provide emission testing results to DEQ. In addition, NWF shall submit an appropriate permit application to address the emissions discovered during testing for VOCs, or a determination that no permit is necessary.

A civil penalty of \$13,440 is assessed.

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