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Air Enforcement: Arkansas Department of Environmental Quality and Dallas County, Arkansas Hot Mix Asphalt Facility Operator Enter into Consent Administrative Order

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The Arkansas Department of Environmental Quality (“ADEQ”) and Jet Asphalt & Rock Co., Inc. (“Jet”) entered into a February 7th Consent Administrative Order (“CAO”) addressing alleged air permit violations. See LIS No. 17-010.

Jet is stated to own and operate a hot mix asphalt facility (“facility”) in Dallas County, Arkansas.

The hot mix facility was granted coverage under the Minor Source General Air Permit for Hot Mix Asphalt Facilities, Permit Number 1912-AGP-000 (“Permit”).

ADEQ is stated to have conducted an inspection of Jet’s facility on January 14, 2016.

The CAO provides that the agency’s review of Jet’s records identified a failure to conduct emissions testing on the Hot Mix Asphalt Plant Stack (SN-01) within the last five years. Specific Condition 17 of the Permit is stated to require testing of SN-01 every five years.

The CAO further provides:

The last emissions test conducted on SN-01 was performed on December 13-14, 2010. Respondent was required to perform emissions testing on SN-01 by December 14, 2015. Respondent has failed to conduct emissions testing on SN-01 in accordance with the Permit. Such failure violates Specific Condition 17 of the Permit and therefore violates Ark. Code Ann. § 8-4-217(a)(3) as referenced by Ark. Code Ann. § 8-4-304.

In response to a January 25, 2016 letter from ADEQ regarding the previous referenced compliance issues, Jet is stated to have indicated that a stack test company had been contracted to conduct the necessary emissions testing on SN-01. However, Jet is stated to have indicated it would be late March or early April before the Plant could be run for testing.

Jet submitted to ADEQ both a compliance test protocol performed for the testing of SN-01 on August 4, 2016 and stack test results in regards to SN-01 on the same date. Emissions test results are stated to have indicated that at the time of testing, SN-01 was in compliance with the permitted emission limits.

ADEQ subsequently determined that SN-01 was in compliance with the permitted emission rate limits at the time of testing.

The CAO assesses a civil penalty of \$800 which is reduced to \$400 if the document was signed and returned to ADEQ by February 18th.

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