

Air Enforcement: Arkansas Department of Environmental Quality and Grant County, Arkansas Lumber Mill Enter into Consent Administrative Order



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

Arkansas Environmental, Energy, and Water Law Blog

03/06/2017

The Arkansas Department of Environmental Quality (“ADEQ”) and H.G. Toler & Son Lumber, Inc. (“H.G.”) entered into a February 13th Consent Administrative Order (“CAO”) addressing alleged air permit violations. See LIS No. 17-012.

The CAO provides that H.G. owns and operates a lumber mill in Leola, Arkansas.

ADEQ issued the lumber mill Air Operating Permit 0193-AOP-R7 (“Permit”) on January 20, 2016.

ADEQ is stated to have conducted a routine compliance inspection of the lumber mill on April 4, 2016. The inspection addressed two Air Operating Permits.

The CAO states that the previously referenced inspection identified a failure to record daily opacity observations at SN-13 (Wood Waste Boiler with Cyclone) on:

- May 10, 2015
- August 19, 2015
- September 14, 2015
- September 15, 2015
- September 19, 2015
- December 20, 2015
- January 9, 2016
- January 10, 2016
- January 23, 2016
- January 30, 2016
- February 2, 2016

The alleged failures were stated to violate Specific Condition 21 of Permit R6 and Permit R7.

The CAO also alleges the failure to prepare both an Annual Compliance Certification report and keep records to document conformance with work practices, emission reduction measures and management practices as required by §63.11214 and §63.11223 as specified in §63.11225(c)(2)(i) through (vi). These alleged failures violate Specific Condition 21 of Permit R7 and 22(b) of Permit R7, respectively.

H.G. is also stated to have failed to maintain certain monthly records to demonstrate compliance with a throughput limit not to exceed 42,149 tons of hog fuel (combined) at SN-12 (Hog Fuel Bins) per rolling 12-

month period. However, the CAO provides that throughput compliance data was not submitted in SAM reports received by ADEQ on January 27, 2015, July 31, 2015, January 27, 2016, and July 26, 2016, allegedly violating Specific Condition 36 of Permit R6 and Specific Condition 32 of Permit R7.

H.G. is required within 30 calendar days of the effective date of the CAO to submit a compliance plan and implementation schedule addressing all issues of noncompliance identified in Paragraphs 6, 7, 8 and 9 of the Findings of Fact of the CAO. Further, the plan shall be subject to ADEQ's approval and not be deemed final until the agency provides H.G. written confirmation to that effect. The terms of the plan shall not exceed 90 calendar days and will include:

- For corrective measures implemented and completed prior to submission of the report, provide the date of implementation and a narrative specifying how the measures satisfactorily address the noncompliance/violation; and,
- For proposed corrective measures to be implemented and completed after submission of the written report, include a narrative specifying how the measures will satisfactorily address the particular noncompliance/violation, and provide an implementation plan with schedule for completing the proposed measures.

All corrective measures are required to be completed within 90 calendar days of the effective date of the CAO.

A civil penalty of \$4,800 is assessed.

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