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Air Enforcement: Arkansas Department of Environmental Quality and Fort Smith, Arkansas Battery Manufacturing Facility Enter into Consent Administrative Order

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The Arkansas Department of Environmental Quality (“ADEQ”) and Exide Technologies (“ET”) entered into a May 9th Consent Administrative Order (“CAO”) to address an alleged air violation. See LIS No. 17-033.

ET is stated to own and operate a lead-acid battery manufacturing facility located in Fort Smith, Arkansas.

The facility is stated to have been issued Air Permit (0228-AR-14) on December 15, 2008. The permit is stated to require ET to conduct compliance testing on all of its baghouses every five calendar years to demonstrate compliance with the grain per dry standard cubic foot and pound per hour pollutant emission limits found in specific condition 1 of the permit.

The compliance testing of the baghouses was stated to have been conducted during April 23-25, 2016.

ADEQ is stated to have received the results of such testing on October 11, 2016. The report is stated to have indicated that the pollutant emission limit for particulate matter equal to or less than 10 microns in diameter was exceeded at baghouses SN-01, SN-51, SN-53, and SN-57. These acts are alleged to be a violation of specific condition 1 for ET’s permit.

Subsequent to ADEQ’s informing ET of the alleged compliance issues the company responded to the agency that it intended to submit a permit modification application requesting that the PM₁₀ limit be raised for the baghouses. Such a permit modification application was stated to have been submitted and subsequently deemed administratively complete by ADEQ pursuant to an agency letter sent March 27, 2017.

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

The CAO requires that effective immediately, ET comply with the limitations of the permit modification application previously referenced and the findings of fact of the CAO and/or any limitations imposed by ADEQ stemming therefrom until such time as a final permit is issued.

A civil penalty of \$3,200 is assessed which can be reduced to \$1,600 if the document is signed and returned to ADEQ prior to 4:00 p.m. on May 13th.

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

