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Air Enforcement: Arkansas Department of Environmental Quality and Pulaski County, Arkansas Plastic Piping Systems Manufacturer Enter into Consent Administrative Order

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The Arkansas Department of Environmental Quality (“ADEQ”) and Tubo-FGS, L.L.C., d/b/a Fiber Glass Systems (“Tubo”) entered into a November 15th Consent Administrative Order (“CAO”) addressing alleged violations of an air permit. See LIS No. 17-103.

Tubo is stated to own and operate a facility in Pulaski County, Arkansas that manufactures chemically resistant fiberglass reinforced plastic piping systems.

The facility currently operates pursuant to Air Permit 0587-AR-11 (“Permit”).

An ADEQ inspection on February 14 and 16 was conducted at the Facility. The inspection was stated to have covered the reporting period of January 2015 through December 2016.

The ADEQ inspection allegedly determined that Tubo exceeded the permitted emission rate limits for Volatile Organic Compound (“VOC”) excluding Styrene. The VOC consecutive 12-month emission rate limit was allegedly exceeded on 16 occasions (referencing Permit R11). The VOC consecutive 12-month emission rate limit in Permit R10 was allegedly exceeded seven times from January 10 through July of 2015. The VOC consecutive 12-month emission rate limit Permit R11 was allegedly exceeded nine times from August 2015 through November 2016.

Tubo responded to an ADEQ query regarding the compliance issues in an April 6th letter. The response included an Air Permit Modification Application.

The modification requested that the Specific Condition 8 VOC emission rate limit be raised from 43 tons per consecutive 12-month period to 95 tons per consecutive 12-month period. This Permit Modification Application was deemed administratively complete by ADEQ on April 10th and is currently under review.

Tubo neither admits nor denies the factual and legal allegations.

The CAO provides that until a final air permitting decision on the Permit Modification Application occurs that:

... Respondent may, at its own risk and with no guarantee that a final permit will be issued, operate in accordance with the information and specifications set forth in the application as it existed at ADEQ on April 7, 2017.

Changes formally made by ADEQ to the Permit Modification Application are incorporated by reference in the CAO. Further, after a final permit decision is issued, Tubo's operations are required to conform to the final permitting decision.

A civil penalty of \$3,200 is assessed, which could be reduced in half if payment was submitted by November 5th.

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