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# Air Enforcement: Arkansas Department of Environmental Quality and Phillips County, Arkansas Fertilizer Storage/Distribution Facility Enter into Consent Administrative Order

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The Arkansas Department of Environmental Quality (“ADEQ”) and Helm Fertilizer Terminal, Inc. (“HFTI”) entered into a December 4th Consent Administrative Order (“CAO”) addressing alleged violations of an air permit. See LIS No. 17-114.

The CAO provides that HFTI owns and operates a fertilizer storage and distribution facility (“Facility”) in Phillips County, Arkansas.

The Facility holds an Air Permit (1765-A)(“Permit”).

ADEQ is stated to have conducted an inspection of the Facility on May 2, 2017. The inspection allegedly indicated that HFTI exceeded the yearly emissions rate limit for Particulate Matter/Particulate Matter less than ten microns in diameter at the Facility. The CAO states that:

. . .The permitted emissions rate limit for PM/PM<sub>10</sub> at the Facility is 35.2 tons per year. Emissions rate records reviewed during the inspection indicated that Respondent’s yearly PM/PM<sub>10</sub> emissions rate for 2016 was 48.89 tons per year. . .

The inspection also allegedly identified exceedances of the 12-month rolling total limit for the amount of products received at the Facility. The permitted 12-month rolling total limit for the amount of products received at the Facility is 108,500 tons per year. A chart is provided which identifies alleged exceedances for the reporting period of April 2016 through March 2017.

Additional violations allegedly included the installation of 12 unpermitted sources without first submitting a Permit Modification Application to incorporate the sources into the Permit. These unpermitted sources allegedly included 11 hoppers and one vertical blender.

ADEQ is stated to have informed HFTI of the alleged compliance issues in a June 16th letter.

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

The CAO requires that within 60 calendar days of the effective date of the document that HFTI submit a Permit Modification Application to ADEQ to increase the PM/PM<sub>10</sub> emissions rate limit to increase the Maximum Production/Operation Rates limit, and to incorporate the 12 unpermitted sources into the Permit.

HFTI agrees to pay a civil penalty of \$10,600 or one-half of that amount if the CAO is returned to ADEQ prior to 4:00 p.m. on December 13th.

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