

**ARKANSAS DEPARTMENT OF ENERGY AND ENVIRONMENT,
DIVISION OF ENVIRONMENTAL QUALITY**

IN THE MATTER OF:

AFIN: 47-00233

LIS No. 24-150

NUCOR CORPORATION
-HICKMAN MILL
7301 EAST COUNTY ROAD 142
BLYTHEVILLE, AR 72315

CONSENT ADMINISTRATIVE ORDER

This Consent Administrative Order (CAO) is issued pursuant to the authority delegated under the federal Clean Air Act, 42 U.S.C. § 7401 *et seq.*, and the federal regulations issued thereunder. In addition, this CAO is issued pursuant to the authority of the Arkansas Water and Air Pollution Control Act (the Act), Ark. Code Ann. § 8-4-101 *et seq.*, Arkansas Pollution Control and Ecology Commission (APC&EC) Rule 7, APC&EC Rule 8, APC&EC Rule 18, APC&EC Rule 19, and APC&EC Rule 26.

The issues herein having been settled by agreement of Nucor Corporation – Hickman Mill (Respondent) and the Director of the Division of Environmental Quality (DEQ), it is hereby agreed and stipulated that the following FINDINGS OF FACT and ORDER AND AGREEMENT be entered.

FINDINGS OF FACT

1. Respondent owns and operates a scrap steel mill located at 7301 East County Road 142 in Blytheville, Mississippi County, Arkansas.
2. There are three Air Permits referenced in this CAO. 1139-AOP-R27 (Permit R27) was issued on November 21, 2022, and voided on January 18, 2023. 1139-AOP-R28 (Permit R28)

was issued on January 18, 2023, and voided on May 30, 2023. 1139-AOP-R29 (Permit R29) was issued on May 30, 2023, and voided on November 9, 2023.

3. Ark. Code Ann. § 8-4-217(a)(3) provides:

(a) It shall be unlawful for any person to:

...
(3) Violate any provisions of this chapter or of any rule or order adopted by the Arkansas Pollution Control and Ecology Commission under this chapter or of a permit issued under this chapter by DEQ;

4. Ark. Code Ann. § 8-4-103(c)(1)(A) provides, “Any person that violates any provision of this chapter and rules, permits, or plans issued pursuant to this chapter may be assessed an administrative civil penalty not to exceed ten thousand dollars (\$10,000) per violation.”

5. Pursuant to Ark. Code Ann. § 8-4-103(c)(1)(B) as referenced by Ark. Code Ann. § 8-4-304, “Each day of a continuing violation may be deemed a separate violation for purposes of penalty assessment.”

6. On November 1, 2023, DEQ personnel performed a review of an Annual Compliance Certification (ACC) Report submitted on October 31, 2023.

7. Specific Condition 97 of Permit R27 and Specific Condition 96 of Permit R28 state that to show compliance with the limits for the Scale Breaker (SN-55), Respondent shall conduct daily readings of the pressure drop across the baghouse and maintain records of those readings.

8. The ACC Report revealed that beginning on November 21, 2022, Respondent failed to conduct and maintain records of the daily pressure drop readings at SN-55 for 99 days. Such a failure violates Specific Condition 97 of Permit R27 and Specific Condition 96 of Permit R28 and therefore violates Ark. Code Ann. § 8-4-217(a)(3) as referenced by Ark. Code Ann. § 8-4-304.

9. Specific Condition 102 of Permit R28 and Specific Condition 105 of Permit R29 state that Respondent shall not exceed the emission rates set forth in Table 1 below.

Source	Pollutant	Control Technology	BACT Limit
SN-49	PM	High Efficiency Drift Eliminator	0.0005% Efficiency

10. Plantwide Condition 5 of Permit R28 and Permit R29 states that Respondent must operate the equipment, control apparatus, and emission monitoring equipment within the design limitations. Respondent shall maintain the equipment in good condition at all times.

11. The ACC Report revealed that beginning on February 1, 2023, Respondent failed to operate emission monitoring equipment within the design limitations by installing incorrect drift eliminators at SN-49 for 180 days, thus creating an inaccurate efficiency limit in the permit. Such an act violates Specific Conditions 102 of Permit R28, Specific Condition 105 of Permit R29, and Plantwide Condition 5 of Permit R28 and Permit R29 and therefore violates Ark. Code Ann. § 8-4-217(a)(3) as referenced by Ark. Code Ann. § 8-4-304.

12. Permit R27 requires observations of opacity to be conducted at the sources shown in Table 2 below:

Source Number	Source Description
SN-96	Emergency Generator – Electrical Substation
SN-97	Emergency Generator – Water System 1
SN-98	Emergency Generator – Water System 1
SN-100	Emergency Generator – Cold Mill Treatment
SN-101	Emergency Generator - Water System 1 North #3
SN-103	Emergency Generator – Megawater #1 Water System 1
SN-106	Emergency Generator Cold Mill
SN-107	Emergency Generator - Cold Mill East
SN-108	Emergency Generator - Cold Mill West
SN-109	Emergency Generator – Galvanizing Line
SN-110	Emergency Generator – IT Administration
SN-111	Emergency Generator – Radio Tower
SN-230	Galvanizing Line #2 Emergency Generator #1

13. Specific Condition 126 of Permit R27 states that annual observations of the opacity from sources SN-96, SN-97, SN-98, SN-100, SN-101, SN-103, SN-106, SN-107, SN-108, SN-109, SN-110, SN-111, and SN-230 shall be conducted by a person trained but not necessarily certified in EPA Reference Method 9. If visible emissions in excess of the permitted levels are detected, Respondent shall immediately take action to identify the cause of the visible emissions in excess of the permit limit, implement corrective action, and document that visible emissions did not appear to be in excess of the permitted opacity following the corrective action, or perform an EPA Reference Method 9 test to verify emissions are not in excess of the permitted level. Respondent shall maintain records which contain the following items in order to demonstrate compliance with this specific condition. These records shall be updated annually, kept on-site, and made available to DEQ personnel upon request.

14. The ACC Report revealed that Respondent failed to conduct annual observations of opacity at SN-96, SN-97, SN-98, SN-100, SN-101, SN-103, SN-106, SN-107, SN-108, SN-109, SN-110, SN-111, and SN-230 by December 31, 2022. Such failures violate Specific Condition 126 of Permit R27 and therefore violate Ark. Code Ann. § 8-4-217(a)(3) as referenced by Ark. Code Ann. § 8-4-304.

15. In correspondence dated December 7, 2023, DEQ informed Respondent that formal enforcement action was proceeding regarding this matter.

16. In correspondence dated December 15, 2023, Respondent provided the following regarding the violations:

- a. Specific Condition 126 of Permit R27: Respondent added an annual task to its database to conduct opacity observations. The required 2023 opacity monitoring has been completed with no opacity exceedances. Generator maintenance has

been performed over the life of each engine.

- b. Specific Condition 97 of Permit R27 and Specific Condition 96 of Permit R28: Respondent added a daily and monthly task to a database to record and review pressure drop data. Pressure drop readings are recorded and reviewed.
- c. Specific Condition 102 of Permit R28, Specific Condition 105 of Permit R29, and Plantwide Condition 5 of Permits R28 and R29: Respondent ordered and installed the correct drift eliminators that meet the BACT requirements.

17. In correspondence dated May 2, 2024, Respondent requested DEQ consider a Supplemental Environmental Project (SEP) proposal for a clean-up event for the Blytheville, Manila, and Leachville communities in Mississippi County.

ORDER AND AGREEMENT

WHEREFORE, Respondent, neither admitting nor denying the factual and legal allegations contained in this CAO, and DEQ do hereby agree and stipulate as follows:

1. Within thirty (30) calendar days of the effective date of this CAO, Respondent shall submit pressure drop records for SN-55. The records shall be submitted on a monthly basis for a period of three (3) months beginning with the month following the effective date of this CAO.

2. In compromise and full settlement of the violations specified in the FINDINGS OF FACT, Respondent agrees to pay a civil penalty of **NINE THOUSAND TWO HUNDRED EIGHTY-TWO DOLLARS (\$9,282.00)**. Payment is due within thirty (30) calendar days after the effective date of this CAO. Such payment shall be made payable to:

DEQ, Fiscal Division
5301 Northshore Drive
North Little Rock, Arkansas 72118-5317.

In the event that Respondent fails to pay the civil penalty within the prescribed time, DEQ shall be entitled to attorneys' fees and costs associated with collection.

3. The total expenditure of the SEP shall not be less than FOUR THOUSAND NINE HUNDRED NINETY-EIGHT DOLLARS (\$4,998.00), in accordance with the specifications set forth in the SEP. Respondent shall include documentation of the expenditures made in connection with the SEP as part of the SEP Completion Report.

4. Within thirty (30) calendar days after the effective date of this CAO, the SEP shall be initiated. Respondent shall provide an updated project schedule for the SEP. If any project schedule date is not met, Respondent shall notify DEQ within fifteen (15) days of the listed completion date.

5. Within 30 days of completion of the SEP, Respondent shall submit a SEP completion report to the Enforcement Program Coordinator, Office of Air Quality. The SEP completion report shall contain a detailed description of the SEP implemented, itemized costs, description of the environmental and public health benefits resulting from the implementation of the SEP, and certification that the SEP has been fully implemented pursuant to the provisions of this CAO.

6. Respondent agrees that failure to submit the SEP completion report shall be deemed a violation of this CAO and Respondent shall become liable for stipulated penalties pursuant to Paragraph 8 of the ORDER AND AGREEMENT.

7. Upon completion of the requirements listed above, Respondent may request acknowledgement of this completion from DEQ.

8. All applicable submissions required by this CAO are subject to approval by DEQ. In the event of any deficiency, Respondent shall, within fifteen (15) calendar days of notification by DEQ, submit any additional information requested. Failure to respond adequately to the notice of deficiency within fifteen (15) calendar days constitutes a failure to meet a deadline and is subject to

the civil penalties established in the following Paragraph.

9. Failure to meet the limits, requirements, or deadlines of this CAO or the applicable approved schedules provided for herein constitutes a violation of this CAO. If Respondent fails to meet any limits, requirements, or deadlines, Respondent shall pay, on demand, to DEQ civil penalties according to the following schedule:

(a) First day through the fourteenth day:	\$100 per day
(b) Fifteenth day through the thirtieth day:	\$500 per day
(c) More than thirty days:	\$1000 per day

Stipulated penalties shall be paid within thirty (30) calendar days of receipt of DEQ's demand to Respondent for such penalties. These stipulated penalties may be imposed for delay in scheduled performance and shall be in addition to any other remedies or sanctions that may be available to DEQ by reason of Respondent's failure to comply with the requirements of this CAO. DEQ reserves its rights to collect other penalties and fines pursuant to its enforcement authority in lieu of the stipulated penalties set forth above.

10. If any event, including, but not limited to, an occurrence of nature, causes or may cause a delay in the achievement of compliance by Respondent with the requirements or deadlines of this CAO, Respondent shall notify DEQ in writing as soon as reasonably possible after it is apparent that a delay will result, but in no case after the due dates have passed. The notification shall describe in detail the anticipated length of the delay, the precise cause of the delay, the measures being taken and to be taken to minimize the delay, and the timetable by which those measures will be implemented.

11. DEQ may grant an extension of any provision of this CAO, provided that Respondent requests such an extension in writing and provided that the delay or anticipated delay has or will be caused by circumstances beyond the control of and without the fault of Respondent. The time for

performance may be extended for a reasonable period, but in no event longer than the period of delay resulting from such circumstances. The burden of proving that any delay is caused by circumstances beyond the control of and without the fault of Respondent and the length of the delay attributable to such circumstances shall rest with Respondent. Failure to notify DEQ promptly, as provided in the previous Paragraph of the ORDER AND AGREEMENT, shall be grounds for a denial of an extension.

12. This CAO is subject to public review and comment in accordance with Ark. Code Ann. § 8-4-103(d), and therefore is not effective until thirty (30) calendar days after public notice of the CAO is given. DEQ retains the right and discretion to rescind this CAO based on comments received within the thirty (30) day public comment period.

13. As provided by APC&EC Rule 8, this matter is subject to being reopened upon Commission initiative or in the event a petition to set aside this CAO is granted by the Commission.

14. Nothing contained in this CAO shall relieve Respondent of any obligations imposed by any other applicable local, state, or federal laws. Except as specifically provided herein, nothing contained in this CAO shall be deemed in any way to relieve Respondent of responsibilities contained in the permit.

15. Nothing in this CAO shall be construed as a waiver by DEQ of its enforcement authority over alleged violations not specifically addressed herein. In addition, this CAO neither exonerates Respondent from any past, present, or future conduct that is not expressly addressed herein, nor relieves Respondent of the responsibilities for obtaining any necessary permits.

16. By virtue of the signature appearing below, the individual represents that he or she is an Officer of Respondent, being duly authorized to execute and bind Respondent to the terms contained herein. Execution of this CAO by an individual other than an Officer of Respondent shall

be accompanied by a resolution granting signature authority to that individual as duly ratified by the governing body of the entity.

SO ORDERED THIS 14 DAY OF October, 2024.

Bailey Taylor
BAILEY TAYLOR
CHIEF ADMINISTRATOR OF ENVIRONMENT AND DEQ DIRECTOR
ARKANSAS DEPARTMENT OF ENERGY & ENVIRONMENT

APPROVED AS TO FORM AND CONTENT:

NUCOR CORPORATION
-HICKMAN MILL

BY: [Signature] (Signature)

JERALD GAINES, JR. (Typed or printed name)

TITLE: VP / GENERAL MGR

DATE: 9/25/24