

ARKANSAS DEPARTMENT OF ENERGY AND ENVIRONMENT,  
DIVISION OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

AFIN: 72-06251

LIS No. 25-016

NEWLY WEDS FOODS, LLC  
1111 ANGELL DRIVE  
SPRINGDALE, AR 72764

**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, and APC&EC Rule 19.

The issues herein having been settled by agreement of Newly Weds Foods, LLC (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 baking facility located at 1111 Angell Drive in Springdale, Washington County, Arkansas.
2. 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;

3. 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.”

4. 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.”

5. APC&EC Rule 26.301(A) states that no part 70 source may operate unless it is operating in compliance with a part 70 permit, or unless it has filed a timely and complete application for an initial or renewal permit as required under APC&EC Rule 26.

6. APC&EC Rule 26.302(A) states that any major source shall be subject to permitting under APC&EC Rule 26. A major source is defined as a source with the potential to emit 100 tons per year (tpy) or more of volatile organic compounds (VOC).

7. On March 7, 2024, in a meeting with DEQ, Respondent self-reported it did not have control equipment installed on one (1) baking line that emitted over 100 tpy of VOCs and that a minor source permit application would be submitted. The baking line has two (2) oven exhausts and one (1) dryer exhaust.

8. On March 27, 2024, DEQ Air Permits Branch received a minor source permit application for Respondent. The application included engineering test results for VOCs at the baking line as well as estimated emissions factors for a Regenerative Thermal Oxidizer (RTO) in place. A review of the minor source permit application confirmed that the RTO had not yet been installed and therefore the application was deemed incomplete. Further review of the engineering test report,

included in the application, revealed that the VOC emissions without RTO controls were roughly 178 tpy, thus exceeding the 100 tpy VOC threshold and requiring a Title V permit. As a result, Respondent operated without a Title V permit. Such an act violates Rule 26.301(A) and Rule 26.302(A) and therefore violates Ark. Code Ann. § 8-4-217(a)(3) as referenced by Ark. Code Ann. § 8-4-304.

9. In a letter dated March 22, 2024, Respondent requested consideration under DEQ's Environmental Self-Disclosure Incentive Policy (Policy) for Respondent's disclosure of the non-compliance issues associated with Respondent's facility.

10. After review of the Self-Disclosure, it was determined that it did not meet the conditions of the Policy; therefore, Respondent is not entitled to a reduction of the gravity-based component of any administrative penalty in a CAO regarding the self-disclosed violations.

11. In correspondence dated March 22, 2024, Respondent stated that the facility has been operating under the current process for at least the last five (5) years.

12. In correspondence dated April 5, 2024, DEQ informed Respondent that formal enforcement action was proceeding regarding this matter.

13. During a meeting on April 19, 2024, Respondent stated that the RTO still wasn't installed and the VOC emissions at the baking line were not being controlled below Title V thresholds.

### **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

withdraw the minor source permit application.

2. Within thirty (30) calendar days of the effective date of this CAO, Respondent shall submit a compliance plan and schedule for the installation of RTO.

3. Respondent shall install the RTO control equipment according to the compliance plan and schedule outlined in paragraph 2 of the ORDER AND AGREEMENT.

4. Within sixty (60) days after the RTO startup, Respondent shall conduct emissions testing for VOC.

5. In response to the information provided in Paragraph 13 of the FINDINGS OF FACT, Respondent shall submit within sixty (60) calendar days after conducting emissions testing for VOCs, emissions test results to DEQ. Additionally, Respondent shall submit an appropriate permit application to address the emissions discovered during testing for VOCs, or a determination that no permit is necessary.

6. In compromise and full settlement of the violations specified in the FINDINGS OF FACT, Respondent agrees to pay a civil penalty of **THIRTEEN THOUSAND FOUR HUNDRED FORTY DOLLARS (\$13,440.00)**. Payment is due within thirty (30) calendar days after the effective date of this CAO. Such payment shall be made payable to:

DEQ, Fiscal Services  
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.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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.

12. 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.

13. 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.

14. 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.

15. By virtue of the signature appearing below, the individual represents that he or she is a Managing Member of Respondent, being duly authorized to execute and bind Respondent to the

terms contained herein. Execution of this CAO by an individual other than a Managing Member of Respondent shall be accompanied by a resolution granting signature authority to said individual as duly ratified by the governing body of the entity.

SO ORDERED THIS 16 DAY OF march, 2025.

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

APPROVED AS TO FORM AND CONTENT:

NEWLY WEDS FOODS, LLC

BY: [Signature] (Signature)

Timothy Whelan (Typed or printed name)

TITLE: Vice President + General Counsel

DATE: 2-21-25