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# Avoid the Deviation /The Art of Compliance: Benjamin Holden, P.E. (GBMc & Associates) Arkansas Environmental Federation Convention Presentation

## Arkansas Environmental, Energy, and Water Law Blog

10/25/2016

Benjamin Holden, P.E., undertook a presentation at the Arkansas Environmental Federation Convention entitled *Avoid the Deviation: The Art of Compliance ("Presentation")*.

Mr. Holden is an Air Services Engineer with GBMc & Associates.

The focus of Mr. Holden's presentation was Clean Air Act permit deviations. He addressed different types of deviations which included:

- Unavoidable Deviations
- Malfunctions
- Preventable Events and Deviations
- Deficient Records
- Inaccurate Permitting
- Poor Communication
- Lack of Knowledge of Requirements

The *Presentation* included a "Case Study" that addressed issues at a facility such as:

- Inaccurate permitting
- Deviations during inspections
- Missed reporting deadlines
- Deficient recordkeeping
- Inadequate communication between production and environmental staff
- Poor relations with regulators

For each of the Case Study "issues" a potential solution was discussed. For example, in addressing "Inaccurate Permit Representation" a suggested solution included:

- Site Visit/Internal Audit
- Take notes of all potential sources and stacks (including non-regulated sources)
- Take pictures
- Update permit (if needed)

- Document all sources and non-sources
- Add physical signs to equipment and/or stacks with permit source number and description
- Include all information in compliance manual

Potential solutions for the other issues included:

- Deviations During Inspections – Permit Review/Document facility compliance methodology
- Missed Reporting Deadlines – Compliance Calendar/Include all routine actionable items
- Deficient Recording – Tracking Spreadsheets
- Inadequate Communication - Involve management/Require all product changes go through environmental review/Environmental review of all capital projects/Routine review of projects between corporate and facility environmental staff, etc.
- Poor Relations with Regulators – Compliance Manual/Keep records accessible

[A copy of the slides from Mr. Holden's presentation can be downloaded here.](#)

[A link to the GMBc & Associates website is below.](#)