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## Air Enforcement: Arkansas Department of Energy and Environment – Division of Environmental Quality and Lincoln County Rock Crushing Operator Enter into Consent Administrative Order

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The Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) and Southeast Gravel Company, Inc., (“Southeast”) entered into an October 8th Consent Administrative Order (“CAO”) addressing an alleged violation of an air permit. See LIS No. 20-177.

The CAO provides that Southeast owns and operates a rock crushing facility (“Facility”) in Lincoln County, Arkansas.

Southeast is stated to have provided DEQ a Notice of Intent (“NOI”) on July 27, 2015, for renewal of a Minor Source General Air Permit for Rock Crushing Facilities (“Permit”). The NOI is stated to have indicated that the engines over 500 horsepower at the Facility would not use an oxidation catalyst or CEMS to comply with ZZZZ. Use of such equipment is stated to make the Facility ineligible for the Permit.

DEQ is stated to have informed Southeast in correspondence that coverage under the Permit had expired.

The Facility is stated to be subject to 40 C.F.R. Part 60, Subpart OOO – Standards of Performance for Nonmetallic Mineral Processing Plants. Such facilities are subject to Arkansas Pollution Control and Ecology Commission Regulation 18.301(B)(3) which requires facilities that are subject to the requirements of 40 C.F.R. Part 60, Subpart OOO as of June 2008, to obtain a permit.

DEQ personnel are stated to have conducted a compliance inspection of the Facility on October 24, 2019. The inspection is stated to have covered the reporting period of March 2016 through September 2019.

The CAO provides that during the inspection it was determined that Southeast was operating the rock crushing Facility without an air permit.

DEQ is stated to have informed Southeast in a letter dated November 25, 2019, of the compliance issues identified in the inspection. Southeast is stated to have not responded to the correspondence. A subsequent letter is stated to have been provided by DEQ regarding potential enforcement to which the Facility is stated not to have responded.

Southeast is stated to have submitted a NOI for coverage under the Permit on February 13, 2020. DEQ granted coverage under the Permit on March 9, 2020.

The CAO assesses a civil penalty of \$12,320, which could have been reduced to one-half if the document was signed and returned to the agency by August 1st.

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