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Air Enforcement: Arkansas Department of Energy & Environment - Division of Environmental Quality and Berryville Hot Mix Asphalt Facility Enter into Consent Administrative Order

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The Arkansas Department of Energy & Environment - Division of Environmental Quality ("DEQ") and Emery Sapp & Sons, Inc. ("Emery") entered into a March 29th Consent Administrative Order ("CAO") addressing an alleged violation of an air permit. See LIS No. 22-041.

The CAO provides that Emery owns and operates a hot mix asphalt facility ("Facility") in Berryville, Arkansas.

The Facility operates pursuant to a General Air Permit for Minor Source Hot Mix Asphalt Facilities 1912-AGP-000 ("Permit").

DEQ personnel are stated to have conducted an inspection of the Facility on September 15, 2021, for the inspection review period of July 1, 2020, through August 31, 2021. Such inspection is stated to have indicated that Emery failed to document weekly visible emission ("VE") observations at the Facility from January 1, 2020, through September 15, 2021, allegedly violating Condition 14 of the Permit.

In response to DEQ correspondence, Emery stated that since the inspection they have provided training to Facility personnel on proper recording of VE observations and set up an electronic documentation system to ensure future compliance.

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

To demonstrate compliance with Specific Condition 14 of the Permit in effect, Emery is required for a period of three months to submit monthly copies of its VE emissions observation records. A chart is provided that indicates due dates for such submissions.

A civil penalty of \$2,940 is assessed which could have been reduced by one-half if the CAO was returned to DEQ within 30 days of its effective date.

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