Air Enforcement: Arkansas Department of Energy & Environment - Division of Environmental Quality and Mississippi County Steel Mill Enter into Consent Administrative Order

Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

12/15/2022

The Arkansas Department of Energy & Environment – Division of Environmental Quality ("DEQ") and Nucor Corporation ("Nucor") entered into a November 28th Consent Administrative Order ("CAO"). See LIS No. 22-114.

The CAO provides that Nucor owns and operates a steel mill ("Steel Mill") in Mississippi County, Arkansas.

The Steel Mill holds Air Permit 1139-AOP-R26 ("Permit").

The Steel Mill is stated to have conducted a performance test of SN-200 on May 26th which DEQ reviewed on July 22nd. Further, Nucor is stated to have notified the DEQ Air Inspector of a need to retest SN-200 due to an HCL emission exceedance during the performance test. Nucor also stated that retesting of SN-200 was completed on July 21.

DEQ personnel are stated to have informed the Steel Mill on July 29th that a review of the performance test had been performed. The report is stated to have indicated during the test the average HCL emission rate was 0.75 lb/hr which exceeds the Permit limit of 0.5 lb/hr of HCL, violating the Permit.

Nucor is stated to have submitted a performance test report on September 19th regarding the retesting of SN-200. Nucor stated that no operational changes were made between May 26, 2022, and July 21, 2022, yet the result of the July 21st test showed a 95.5% reduction in HCL emissions. In addition, scrubber data and pickle line data were stated to be similar between the two dates except the controlling factor for scrubber efficiency, scrubber water conductivity, was 40.2% greater on July 21st. Nucor is stated to be confident that the supporting process data is sufficient evidence to invalidate the results of the performance test conducted on May 26th.

DEQ is stated to have indicated that the review of the May 26th performance test found that the testing company conducted the test in accordance with U.S. EPA Reference Test Method 26A-Hydrogen Chloride and in accordance with approved internal standard operating procedures. In addition, the report did not note any deviations or problems during the testing of SN-200 and the test report was validated on July 22nd by the testing company. Therefore, the results of the May 26th performance test and review by DEQ were valid.

DEQ personnel informed Nucor in September 22nd correspondence that a review of the July 22nd performance test had been performed. Further, a review of the test report by DEQ personnel is stated to have indicated that the emission limit for HCL was met and that the Steel Mill had satisfied the HCL emission limits of Specific Condition 175 of the Permit.

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

A civil penalty of $1,760 is assessed.

A copy of the CAO can be downloaded here.