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Air Enforcement: Arkansas Department of Energy & Environment - Division of Environmental Quality and Federal Bureau of Prisons Enter into Consent Administrative Order

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The Arkansas Department of Energy & Environment – Division of Environmental Quality (“DEQ”) and the Federal Bureau of Prisons (“FBOP”) entered into a November 16th Consent Administrative Order (“CAO”) addressing an alleged violation of an air permit. See LIS No. 23-091.

The CAO provides that the FBOP operates a Federal Correctional Complex (“Facility”) in Forrest City, Arkansas.

The Facility is stated to hold an air permit.

DEQ is stated to have conducted a compliance inspection at the Facility on October 18, 2022. The reporting period of the inspection was September 1, 2021, through October 31, 2022.

The inspection is stated to have determined that the FBOP replaced a malfunctioning emergency generator and added an additional emergency generator without first obtaining a permit from DEQ. This is alleged to violate General Condition 16 of the air permit.

DEQ informed the FBOP of the compliance issues in January 18th correspondence. The FBOP stated in email correspondence dated March 3rd that a change in leadership had occurred. It further states that the Facility would “work to get everything that is needed to DEQ.”

The FBOP indicated it would be requesting third-party assistance to prepare a permit modification application.

The requested permit information was submitted to DEQ on May 9 and May 16. DEQ subsequently requested additional information which was submitted by FBOP.

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

The CAO requires that the FBOP either:

Option A: Within fifteen (15) calendar days of the effective date of this CAO, Respondent shall submit all remaining information DEQ needs to process the permit modification application addressing the unauthorized pollutant emitting activities outlined in paragraph 8 of the Findings of Fact,

OR:

Option B: If Respondent fails to provide the remaining information necessary to process the application received on August 3, 2023, within thirty (30) calendar days of the effective date of this CAO, Respondent shall submit a compliance plan and schedule that includes the submittal of an administratively complete permit application addressing the violations outlined in paragraph 8 of the Findings of Fact.

A civil penalty of \$3,360 is assessed.

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