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Air Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and Luxora Landfill Enter into Consent Administrative Order

10/04/2024

The Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) and Mississippi County Landfill (“MCL”) entered into a September 11th Consent Administrative Order (“CAO”) addressing an alleged violation of Arkansas Pollution Control and Ecology Commission Rule 26. See LIS No. 24-137.

MCL is stated to own and operate a landfill (“Facility”) in Luxora, Arkansas.

The Facility is stated to be subject to the provisions of 40 C.F.R. Part 60, Subpart XXX – Standards of Performance for Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification After July 17th, 2014 (“Subpart XXX”).

DEQ is stated to have issued MCL a Solid Waste Permit (“Permit R4”) in 2015 that approved the expansion of Cell 1. The permit application associated with Permit R4 is stated to list the Facility’s capacity as 7,381,770 cubic meters.

During a review of Subpart XXX by DEQ it was determined that MCL’s landfill design capacity exceeded the threshold for obtaining a part 70 permit as required by that regulation. Therefore, the CAO provides that MCL failed to obtain an Air Operating Permit from DEQ, violating Arkansas Pollution Control and Ecology Commission Rule 26.301(a).

DEQ personnel are stated to have contacted MCL’s Environmental consultant with information that the Facility would require a Title V Permit. The Consultant is stated to have responded and stated after review they determined a Title V Air Permit would be needed.

MCL’s Environmental consultant is stated to have prepared a cost estimate and proposal to obtain the necessary air permit. The Mississippi Quorum Court approved the proposal and contract to prepare and submit the Title V Air Permit application.

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

MCL is required within 30 calendar days of the effective date of the CAO (if not done so by execution of the document) to submit a complete Title V Air Operating Permit application that addresses all Rule 26.301(a) and Subpart XXX requirements applicable to the Facility. The Facility is required to comply

immediately with all applicable requirements of Subpart XXX. However, if compliance with the requirements of the Subpart require additional equipment controls and time to implement, MCL is required to provide a compliance plan and schedule to DEQ for review and approval within 30 calendar days of the effective date of the CAO.

The CAO also requires that within 30 calendar days of the effective date of the CAO that MCL shall:

- Submit to DEQ the most current design capacity of the landfill.
- Submit to DEQ the Non-Methane Organic Compound reports required in Subpart XXX from 2015-2023.

A civil penalty of \$6,500.00 is assessed.

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