Air Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and Little Rock Fabricated Steel Construction Facility Enter into Consent Administrative Order



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The Arkansas Department of Energy and Environment - Division of Environmental Quality ("DEQ") and W & W – Afco Steel LLC ("Afco") entered into a May 8th Consent Administrative Order ("CAO") addressing alleged violations of an Air Permit. See LIS No. 25-039.

The CAO provides that Afco owns and operates an industrial construction company using fabricated steel in Little Rock, Arkansas.

The facility is stated to hold an Air Permit.
DEQ personnel are stated to have performed a routine compliance inspection of the facility on June 13, 2024. The reporting period for the inspection was January 2022 through May 2024.

The inspection is stated to have included the review of visible emission observation records provided by Afco, which DEQ compared to recorded sunrise and sunset times. The facility is stated to have failed to complete 170 visible emissions observations correctly by conducting the observations at least one hour or more before sunrise or after sunset.

One visible emission observation is stated to have been recorded on September 31, 2023 (not a calendar day) at SN-03 and SN-04. This is stated to make the determination of visible emissions unknown during the inspection review period, violating Specific Conditions 11 and 12 of the Air Permit.

Trinity Consultants is stated to have submitted a report to DEQ's inspection findings on behalf of Afco on July 17, 2024. The report response stated that Afco acknowledges that the opacity observations were not conducted according to the Air Permit requirements. As a corrective measure, Afco plans to implement a policy that opacity observations be conducted after 8:00 AM daily and have two employees trained and certified in Method 9.

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

The CAO requires that within 15 calendar days of its effective date, that Afco submit a Corrective Action Plan to properly maintain emission observations and daily observations of opacity data. Further, within 30

calendar days of the effective date of the CAO, Afco must submit for SN-03 and SN-04 daily observations of opacity in accordance with Specific Condition 12 of the Air Permit. Such records are required to be submitted on a monthly basis for a period of six months beginning with the month following the effective date of the CAO.

A civil penalty of $2,800.00 is assessed, which could have been reduced by one-half if the document was signed and returned to DEQ by May 25th.

A copy of the CAO can be downloaded here.