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

08/05/2025

The Arkansas Department of Energy and Environment - Division of Environmental Quality ("DEQ") and the Arkansas Department of Transportation ("DOT") entered into a July 10th Consent Administrative Order ("CAO") addressing an alleged violation of a General Air Permit. See LIS No. 20-055.

The CAO provides that DOT owns and operates an air curtain incinerator located in Paragould, Arkansas.

The air curtain incinerator is stated to operate pursuant to the General Permit for Title V Air Curtain Incinerators ("Permit"). Further, the air curtain incinerator is subject to the provisions of 40 C.F.R. Part 60, Subpart CCCC – Standards of Performance for Commercial and Industrial Solid Waste Incineration Units ("Subpart CCCC").

DOT is stated to have requested an extension to conduct annual visible emissions ("VE") testing on June 23, 2022, stating that the air curtain incinerator (the Incinerator) had not been used since the initial VE test. The initial VE test was conducted on June 23, 2021. The extension was granted and required to be conducted upon the next start-up and operation of the incinerator. DOT started up and began operation of the incinerator in October of 2022.

DEQ personnel conducted an inspection of the facility on March 8, 2023. The review period of the inspection was July 2022 through February 2023.

During the review of the Annual Compliance Certification ("ACC") Report, DEQ personnel found that DOT failed to conduct the required annual VE test upon the next start-up and operation of the Incinerator in accordance with the extension request approval. This violated Specific Condition 26 of the Permit.

DOT conducted VE testing at the incinerator on April 6, 2023. On April 24, DEQ received the VE test results for testing conducted at the incinerator on April 6. The agency determined that the VE test was passed for both start-up and normal operations.

In response to a DEQ proposed CAO, DOT stated that it would be dismantling the source to sell at auction and voiding the Permit as the source was not in regular use. DOT requested that the civil penalty be retracted due to compliance in previous use, documentation, and testing. DEQ voided the Permit.

DOT neither admits nor denies the factual or legal allegations contained in the CAO.

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