Air Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and Fort Smith Asphalt Paving Mixture/Block Manufacturing Facility Enter into Consent Administrative Order



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09/16/2025

Arkansas Department of Energy and Environment - Division of Environmental Quality ("DEQ") and Emery Sapp & Sons, Inc. ("Emery") entered into a July 16th Consent Administrative Order ("CAO") addressing an alleged violation of a General Air Permit. See LIS No. 25-058.

The facility is stated to operate pursuant to the General Air Permit for Minor Source Hot Mix Asphalt Facilities ("Permit").

DEQ personnel are stated to have conducted a routine compliance inspection of the facility on May 8, 2024. The reporting period for the inspection is stated to cover April 2023 through March 2024.

The CAO provides that based on records provided during the inspection, the initial start-up date for the Hot Mix Asphalt Baghouse Plant Stack (SN-01) was April 18, 2023. The initial emission test is stated to have been required to have been conducted on or before October 15, 2023. It is stated to have occurred on May 8, 2024, violating Specific Condition 18 and General Condition 7 of the Permit.

The facility is also stated to have failed to provide the initial emissions test results to DEQ within 30 calendar days of the emissions test, violating General Condition 7 of the Permit.

In response to a May 28, 2024, DEQ correspondence, Emery stated that it had repeatedly attempted to conduct the test prior to May 2024, but was unable due to repeated weather delays.

Emery is stated to have conducted a retest at SN-01 for PM and submitted such stack results to DEQ. The facility was informed that it had passed the stack test.

Upon request by DEQ, Emery provided the results from the May 8, 2024, stack test; however, upon review of the results, it was determined that no production rate data at the time of testing was provided.

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

A civil penalty of $1,000.00 is assessed, which could have been reduced to $500.00 if the CAO was signed and returned to DEQ within on July 17th.

A copy of the CAO can be downloaded here.