Permitting and Inspections/How to Survive the Process: Md Mursalin Rahman Khandaker (ECCI) Arkansas Environmental Federation Air Seminar Presentation



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

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Md Mursalin Rahman Khandaker undertook a presentation at the Arkansas Environmental Federation Air Seminar titled:

Permitting and Inspections: How to Survive the Process ("Presentation").

Mr. Khandaker is an Environmental Scientist with ECCI.

The Presentation initially addressed inspection procedures defined as a:

… regulatory assessment conducted by the Department of Environmental Quality.

The purpose is to ensure compliance with environmental laws regarding air, water, and land quality.

Additional purposes include:

- Make sure facilities in compliance.
- State regulations.
- Federal regulations.
- Compare actual operations with operating air permit.

The Presentation then addressed:

- Open-Book Test.
- Start of inspection.
- Unannounced.
- Typically, only one inspector.
- If more, don't panic (likely a training exercise).
- Denial of entry will have adverse effects.
- More inspectors (not training).
- Legal advice from attorneys.

Issues associated with confidential business information were discussed, noting:

- Inspectors are used to dealing with this issue.
- Protocol is in place to ensure protection.

- Not every record and piece of equipment covered .
- Must file request for CBI coverage.
- File BEFORE inspection.
- Rarely need picture of equipment.
- Issue: some personnel told everything is CBI.
- Preference to review records on-site.
- Avoid need for legal channels.
- Records are not recorded.
- Noted whether within permitted limits.
- If records sent:
- Redacted through ePortal.
- Unredacted to lawyers, then inspector review.
- Keep records in order.
- If it is not recorded it did not happen.
- Multiple people should have access.
- Up-to-date.
- Matching SAM report submissions.
- Rolling-12 doesn't restart at January.
- Keep Excel spreadsheets, not just PDFs.
- Emission sources.
- Includes permitted sources and insignificant activities along with stack and fugitive emission sources.
- Major areas of concern include:
- Existence of unpermitted source.
- Source permitted, but incorrectly.
- Have multiple people know what sources are.
- Replacements (leave existing equipment in permit until removed or disconnected).
- Fugitive Emissions.
- Still must be permitted.
- Best to know sources of these.
- Control devices.
- Ensure that they are operating as intended/permitted/controlling emissions to degree permitted/required maintenance.
- Testing.
- Test according to dates listed in permit.
- Ensure you have production data.
- Post-inspection contact.
- Site environmental manager is first point of contact.
- DEQ will obtain information it needs.
- Yearly update of contact list.
- Writing a facility up is more work.
- Letter (noting that within 30 days a letter will be received identifying non-compliance items and link to SEEK to fill out response).
- SEEK response (due in 30 days, any authorized user can submit).
- Corrective Action.
- Response form asks about corrective action data/actions taken/evidence, if applicable.
- Completing form on time can mitigate penalties and avoid escalation of formal enforcement action.
- Assistance (noting that consulting services can assist completing the form/determining corrective actions to take/implementing corrective actions/correspondence with DEQ).
- Third-party audits (can be used to perform site audit and potentially take advantage of DEQ self-disclosure policy).

- Reach out to DEQ inspectors to explain condition interpretations but note they cannot give legal advice.
- DEQ is not your enemy.
- Preventive action (always beat corrective measures, take advantage of resources and stay well-informed on permit).

A copy of the Presentation slides can be found here.