

**ARKANSAS DEPARTMENT OF ENERGY AND ENVIRONMENT,  
DIVISION OF ENVIRONMENTAL QUALITY**

IN THE MATTER OF:

AFIN: 45-00008

LIS No. 20-192

WHITE RIVER MARINE GROUP, LLC  
d/b/a RANGER BOATS FIBERGLASS  
927 HIGHWAY 178  
FLIPPIN, AR 72634

**CONSENT ADMINISTRATIVE ORDER**

This Consent Administrative Order (CAO) is issued pursuant to the authority delegated under the federal Clean Air Act, 42 U.S.C. § 7401 *et seq.*, and the federal regulations issued thereunder. In addition, this CAO is issued pursuant to the authority of the Arkansas Water and Air Pollution Control Act (the Act), Ark. Code Ann. § 8-4-101 *et seq.*, Arkansas Pollution Control and Ecology Commission (APC&EC) Regulation 7, APC&EC Regulation 8, APC&EC Regulation 18, and APC&EC Regulation 19 and APC&EC Regulation 26.

The issues herein having been settled by agreement of White River Marine Group, LLC d/b/a Ranger Boats Fiberglass (Respondent) and the Director of the Division of Environmental Quality<sup>1</sup> (DEQ), it is hereby agreed and stipulated that the following FINDINGS OF FACT and ORDER AND AGREEMENT be entered.

**FINDINGS OF FACT**

1. Respondent owns and operates a facility that manufactures fiberglass boats, boat trailers, and a small line of fiberglass products for the boat industry located at 927 Highway 178

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<sup>1</sup>Pursuant to Act 910 of 2019, the Arkansas Transformation and Efficiencies Act, the former Arkansas Department of Environmental Quality is now the Division of Environmental Quality in the newly created Arkansas Department of Energy and Environment.

in Flippin, Marion County, Arkansas.

2. There are two Air Permits referenced in this CAO. 0979-AOP-R9 (Permit R9) was issued on January 28, 2015, and voided on September 27, 2019. 0979-AOP-R10 (Permit R10) was issued on September 27, 2019.

3. Ark. Code Ann. § 8-4-217(a)(3) provides:

(a) It shall be unlawful for any person to:

...

(3) Violate any provisions of this chapter or of any rule or order adopted by the Arkansas Pollution Control and Ecology Commission under this chapter or of a permit issued under this chapter by the Division of Environmental Quality;

4. Ark. Code Ann. § 8-4-103(c)(1)(A) provides, “Any person that violates any provision of this chapter and rules, permits, or plans issued pursuant to this chapter may be assessed an administrative civil penalty not to exceed ten thousand dollars (\$10,000) per violation.”

5. Pursuant to Ark. Code Ann. § 8-4-103(c)(1)(B) as referenced by Ark. Code Ann. § 8-4-304, “Each day of a continuing violation may be deemed a separate violation for purposes of penalty assessment.”

6. On July 24, 2019, DEQ personnel performed a routine compliance inspection of Respondent’s facility covering July 2018 through June 2019.

7. On June 20, 2019, Respondent submitted an Annual Compliance Certification (ACC) report to DEQ personnel covering June 1, 2018 through May 31, 2019.

8. Based on the 2019 ACC Report and the records reviewed during the July 24, 2019 inspection, the following violations were noted (See TABLE 1). This table is outlined by

Plantwide Condition (PWC), Source Number (SN), and Violation.

Plantwide Condition	Source Number(s)	Violation(s)
PWC 19a (R10)	Plantwide	After a review of records from the ACC report, Inspection Report, and additional records submitted to DEQ, it was found that Respondent miscalculated hazardous air pollutant (HAP) values. Respondent failed to provide accurate records to demonstrate compliance during the reporting period of July 2018 through June 2019, twelve (12) months.
PWC 20 (R10)		
PWC 22 (R10)		
PWC 32 (R10)		
PWC 34 (R10)		

The violation of Plantwide Conditions 19a, 20, 22, 32, and 34 (R10) are also a violation of 40 CFR Subpart VVVV- National Emission Standards for Hazardous Air Pollutants for Boat Manufacturing (Subpart VVVV). Subpart VVVV requires Respondent to demonstrate Maximum Achievable Control Technology (MACT) using the model point value averaging (Emission Averaging) option. Respondent failed to provide accurate records demonstrating compliance with the Emission Averaging option during the reporting period. Such failures violate Plantwide Conditions 19a, 20, 22, 32, and 34 and therefore violate Ark. Code Ann. § 8-4-217(a)(3) as referenced by Ark. Code Ann. § 8-4-304 and Subpart VVVV.

9. In a letter dated August 13, 2019, DEQ notified Respondent of the violations found in the ACC Report and during the compliance inspection. The letter identified Respondent's failure to demonstrate compliance with plantwide HAP emissions using the Compliant Material Option. This was intended to provide Respondent with the opportunity to review the violations and submit additional information deemed appropriate regarding the violations in Permits R9 and R10.

10. In a response dated September 13, 2019, Respondent stated that it will demonstrate future compliance with Subpart VVVV by choosing the Emissions Averaging Option. Respondent stated that the facility will follow this option for the remainder of Permit R9 into the issuance of R10.

11. In a letter dated November 15, 2019, DEQ notified Respondent that the violations found during the compliance inspection and review of the 2019 ACC report were routing through formal enforcement channels.

12. In a response dated November 15, 2019, Respondent provided additional records with the MACT summary spreadsheet.

13. In an email dated December 9, 2019, DEQ personnel notified Respondent of errors found in the additional records provided in the response dated November 15, 2019, specifically in the summary spreadsheet and implementation plan. DEQ also requested additional information and clarification as to Safety Data Sheet (SDS) usage.

14. In an email response dated December 16, 2019, Respondent provided the requested information and clarifications. After review of the additional records, it was found that the HAP content rate was not correctly calculated by Respondent.

### **ORDER AND AGREEMENT**

WHEREFORE, Respondent, neither admitting nor denying the factual and legal allegations contained in this CAO, and DEQ do hereby agree and stipulate as follows:

1. Within thirty (30) calendar days of the effective date of the CAO, Respondent shall submit records to demonstrate compliance with Plantwide Conditions 19a, 20, 22, 32, and

34 of Permit R10.

2. These records shall be mailed to:

DEQ, Office of Air Quality  
Enforcement Section  
5301 Northshore Drive  
North Little Rock, Arkansas 72118-5317.

3. In compromise and full settlement for instances of noncompliance specified in the FINDINGS OF FACT, Respondent agrees to pay the sum of **FOUR THOUSAND DOLLARS (\$4,000.00)**. Payment is due within thirty (30) calendar days of the effective date of this CAO.

Such payment shall be made payable to:

DEQ, Fiscal Division  
5301 Northshore Drive  
North Little Rock, Arkansas 72118-5317.

In the event that Respondent fails to pay the civil penalty within the prescribed time, DEQ shall be entitled to attorneys' fees and costs associated with collection.

4. All applicable submissions required by this CAO are subject to approval by DEQ. In the event of any deficiency, Respondent shall, within fifteen (15) calendar days of notification by DEQ, submit any additional information requested. Failure to respond adequately to the notice of deficiency within fifteen (15) calendar days constitutes a failure to meet a deadline and is subject to the civil penalties established in the following Paragraph.

5. Failure to meet the limits, requirements, or deadlines of this CAO or the applicable approved schedules provided for herein constitutes a violation of this CAO. If Respondent fails to meet any limits, requirements, or deadlines, Respondent shall pay, on demand, to DEQ civil penalties according to the following schedule:

- |  |                |
|--|----------------|
| (a) First day through the fourteenth day:    | \$100 per day  |
| (b) Fifteenth day through the thirtieth day: | \$500 per day  |
| (c) More than thirty days:                   | \$1000 per day |

Stipulated penalties shall be paid within thirty (30) calendar days of receipt of DEQ's demand to Respondent for such penalties. These stipulated penalties may be imposed for delay in scheduled performance and shall be in addition to any other remedies or sanctions that may be available to DEQ by reason of Respondent's failure to comply with the requirements of this CAO. DEQ reserves its rights to collect other penalties and fines pursuant to its enforcement authority in lieu of the stipulated penalties set forth above.

6. If any event, including, but not limited to, an occurrence of nature, causes or may cause a delay in the achievement of compliance by Respondent with the requirements or deadlines of this CAO, Respondent shall notify DEQ in writing as soon as reasonably possible after it is apparent that a delay will result, but in no case after the due dates have passed. The notification shall describe in detail the anticipated length of the delay, the precise cause of the delay, the measures being taken and to be taken to minimize the delay, and the timetable by which those measures will be implemented.

7. DEQ may grant an extension of any provision of this CAO, provided that Respondent requests such an extension in writing and provided that the delay or anticipated delay has or will be caused by circumstances beyond the control of and without the fault of Respondent. The time for performance may be extended for a reasonable period, but in no event longer than the period of delay resulting from such circumstances. The burden of proving that any delay is caused by circumstances beyond the control of and without the fault of Respondent and the length of the delay attributable to such circumstances shall rest with Respondent. Failure

to notify DEQ promptly, as provided in the previous Paragraph of the ORDER AND AGREEMENT, shall be grounds for a denial of an extension.

8. This CAO is subject to public review and comment in accordance with Ark. Code Ann. § 8-4-103(d), and therefore is not effective until thirty (30) calendar days after public notice of the CAO is given. DEQ retains the right and discretion to rescind this CAO based on comments received within the thirty (30) day public comment period.

9. As provided by APC&EC Regulation 8, this matter is subject to being reopened upon Commission initiative or in the event a petition to set aside this CAO is granted by the Commission.

10. Nothing contained in this CAO shall relieve Respondent of any obligations imposed by any other applicable local, state, or federal laws. Except as specifically provided herein, nothing contained in this CAO shall be deemed in any way to relieve Respondent of responsibilities contained in the permit.

11. Nothing in this CAO shall be construed as a waiver by DEQ of its enforcement authority over alleged violations not specifically addressed herein. In addition, this CAO neither exonerates Respondent from any past, present, or future conduct that is not expressly addressed herein, nor relieves Respondent of the responsibilities for obtaining any necessary permits.

12. By virtue of the signature appearing below, the individual represents that he or she is a Managing Member of Respondent, being duly authorized to execute and bind Respondent to the terms contained herein. Execution of this CAO by an individual other than a Managing Member of Respondent shall be accompanied by a resolution granting signature authority to that individual as duly ratified by the governing body of the entity.

SO ORDERED THIS 17 DAY OF December, 2020.

Becky W. Keogh  
BECKY W. KEOGH, DIRECTOR  
ARKANSAS DEPARTMENT OF ENERGY AND ENVIRONMENT,  
DIVISION OF ENVIRONMENTAL QUALITY

APPROVED AS TO FORM AND CONTENT:

WHITE RIVER MARINE GROUP, LLC  
d/b/a RANGER BOATS FIBERGLASS

BY: [Signature] (Signature)

DAN HOY (Typed or printed name)

TITLE: Director of Facilitation

DATE: 12/3/2020