

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

IN THE MATTER OF:

AFIN: 47-00233

LIS No. 2a-114

NUCOR CORPORATION  
-NUCOR STEEL, ARKANSAS  
7301 EAST COUNTY ROAD 142  
BLYTHEVILLE, AR 72315

**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) Rule 7, APC&EC Rule 8, APC&EC Rule 18, APC&EC Rule 19, and APC&EC Rule 26.

The issues herein having been settled by agreement of Nucor Corporation – Nucor Steel, Arkansas (Respondent) and the Chief Administrator of the Division of Environmental Quality (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 scrap steel mill located at 7301 East County Road 142 in Hickman, Mississippi County, Arkansas.
2. The Air Permit referenced in this CAO is 1139-AOP-R26 (the Permit). The

Permit was issued on September 1, 2021.

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. Specific Condition 175 of the Permit states that Respondent shall not exceed an emission rate of 0.5 pound per hour (lb/hr) of hydrochloric acid (HCl) at Pickle Line 2 (SN-200).

7. On May 26, 2022, Respondent conducted performance tests of SN-200. DEQ received the performance test report on July 22, 2022.

8. In correspondence accompanying the performance test report, Respondent stated that the facility’s DEQ Air Inspector was notified on July 14, 2022, of a need to retest SN-200 due to an HCl emission exceedance during the performance tests conducted on May 26, 2022. Respondent also stated that retesting of SN-200 was completed on July 21, 2022.

9. In correspondence dated July 29, 2022, DEQ personnel informed Respondent that a review of the performance test report had been performed. The report stated that during the

tests the average HCl emission rate was 0.75 lb/hr which exceeds the permit limit of 0.5 lb/hr of HCl. Such act violates Specific Condition 175 of the Permit and therefore violates Ark. Code Ann. § 8-4-217(a)(3) as referenced by Ark. Code Ann. § 8-4-304.

10. In correspondence dated August 2, 2022, DEQ informed Respondent that formal enforcement action was proceeding in this matter.

11. On September 19, 2022, Respondent submitted a performance test report regarding the retesting of SN-200 conducted on July 21, 2022.

12. In correspondence accompanying the performance test report, Respondent stated that no operational changes were made between May 26, 2022 and July 21, 2022, yet the result of the July 21, 2022 test showed a 95.5% reduction in HCl emissions. Scrubber data and pickle line data were similar between the two dates except that the controlling factor for scrubber efficiency, scrubber water conductivity, was 40.2% greater on July 21, 2022. Based on this information, Respondent states it is confident the supporting process data is sufficient evidence to invalidate the results of the performance test conducted at SN-200 on May 26, 2022.

13. DEQ's review of the May 26, 2022 performance test report found that the testing company conducted the tests in accordance with U.S. EPA Reference Test Method 26A – Hydrogen Chloride and in accordance with approved internal standard operating procedures. The report did not note any deviations or problems during the testing of SN-200 and the test report was validated on July 22, 2022 by the testing company. Therefore, the results of the May 26, 2022 performance tests of SN-200 and review by DEQ personnel were valid.

14. In correspondence dated September 22, 2022, DEQ personnel informed Respondent that a review of the results of the July 22, 2022 performance tests at SN-200 had

been performed. A review of the test report by DEQ personnel revealed that the emissions limit for HCl was met and Respondent had satisfied the HCl emissions limit requirements of Specific Condition 175 of the Permit.

### **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. This CAO addresses all violations contained in the FINDINGS OF FACT.
2. In compromise and full settlement of the violations specified in the FINDINGS OF FACT, Respondent agrees to pay a civil penalty of **ONE THOUSAND SEVEN HUNDRED SIXTY DOLLARS (\$1,760.00)**. 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.

3. 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.

4. 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.

5. 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.

6. 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.

7. 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.

8. As provided by APC&EC Rule 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.


9. 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.

10. 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.

11. By virtue of the signature appearing below, the individual represents that he or she is an Officer of Respondent, being duly authorized to execute and bind Respondent to the terms contained herein. Execution of this CAO by an individual other than an Officer 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 28<sup>TH</sup> DAY OF NOVEMBER, 2022.

  
JULIE LINCK, CHIEF ADMINISTRATOR  
ARKANSAS DEPARTMENT OF ENERGY AND ENVIRONMENT,  
DIVISION OF ENVIRONMENTAL QUALITY

APPROVED AS TO FORM AND CONTENT:

NUCOR CORPORATION  
-NUCOR STEEL, ARKANSAS

BY: Chay MS (Signature)

TROY BROOKS (Typed or printed name)

TITLE: VICE PRESIDENT + GM

DATE: 11/22/2022