

ARKANSAS DEPARTMENT OF ENERGY AND ENVIRONMENT,  
DIVISION OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

AFIN: 46-00005

LIS No. 24-087

THE GOODYEAR TIRE & RUBBER COMPANY  
3500 EAST WASHINGTON ROAD  
TEXARKANA, AR 71854

**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 The Goodyear Tire & Rubber Company (Respondent) and the Director 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 tire manufacturing facility located at 3500 East Washington Road in Texarkana, Miller County, Arkansas.

2. There are four Air Permits referenced in this CAO. 0957-AOP-R18 (Permit R18) was issued on September 11, 2019, and voided on August 30, 2021. 0957-AOP-R19 (Permit R19) was

issued on August 30, 2021, and voided on October 20, 2022. 0957-AOP-R20 (Permit R20) was issued on October 20, 2022, and voided on April 13, 2023. 0957-AOP-R21 (Permit R21) was issued on April 13, 2023.

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 DEQ;

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 March 9, 2023, DEQ reviewed the emissions test report submitted on March 6, 2023, for testing conducted on January 6, 2023. The facility operated at 81.76% production during the test.

7. Specific Condition 11 of Permit R20 states that the regenerative thermal oxidizer (RTO) shall reduce the input stream of volatile organic compounds (VOC) by ninety-eight weight percent or not exceed a VOC outlet concentration of twenty parts per million by volume as methane, whichever is less stringent per Environmental Protection Agency (EPA) Method 25A.

8. Specific Condition 12 of Permit R20 states that Respondent shall test SN-133 and SN-134 RTO for VOC using EPA Reference Method 25A to demonstrate compliance with Specific

Conditions 1, 3, and 11. This test shall take place once every sixty (60) months and in accordance with Plantwide Condition 3. Testing shall be conducted with SN-133 and SN-134 operating at least 90% of permitted capacity of 3,750 lbs and 4,792 lbs of silica ingredient per hour, respectively. Emissions testing results shall be extrapolated to correlate with 100% of the permitted capacity to demonstrate compliance. Failure to test within this range shall limit Respondent to operating within 10% above the tested rate. Respondent shall measure the operation rate during the test and if testing is conducted below 90% of the permitted capacity, records shall be maintained at all times to demonstrate that the source does not exceed operation at 10% above the tested rate. If at any time the facility fails a test, then the facility must conduct two successive annual tests. The facility shall test within sixty (60) days of any failing test. Mixer #8 RTO (SN-133) was last tested on March 24, 2021.

9. A review of the emissions test report submitted on March 6, 2023, revealed that Respondent failed to reduce the input stream of VOCs by ninety-eight weight percent during testing at SN-133. Such a failure violates Specific Condition 11 of Permit R20 and therefore violates Ark. Code Ann. § 8-4-217(a)(3) as referenced by Ark. Code Ann. § 8-4-304.

Table 1					
Source	Pollutant	Test Method	Test Results	Permit Limits	Results
SN-133	VOC	25A	96.5% DRE	98% DRE	Fail

10. In a letter dated March 9, 2023, DEQ informed Respondent of the violation found during review of the emissions test report. DEQ acknowledged that on February 27, 2023, Respondent was approved for an extension of the re-testing deadline from March 6, 2023, to April 9, 2023. Respondent requested the extension on February 21, 2023.

11. On March 30, 2023, Respondent submitted a test protocol for SN-133 and SN-134. Respondent requested to use an alternative method to Method 25A for the testing. Testing was

scheduled for April 6 and 7, 2023.

12. In correspondence dated March 30, 2023, DEQ approved the use of EPA Reference Method 320 as an alternative method for testing.

13. In correspondence dated April 5, 2023, DEQ informed Respondent that formal enforcement action was proceeding regarding the violation of Specific Condition 11 of Permit R20.

14. On April 6 and 7, 2023, Respondent performed emissions testing at SN-133 for VOCs.

15. In correspondence received on or about May 23, 2023, Respondent requested an extension to conduct further re-testing at SN-133 for a period not to exceed six (6) months. Respondent provided that it had taken the following actions:

- a. Engaged an RTO manufacturer representative to make five (5) visits to the facility to observe and evaluate the performance of the RTO and identify additional opportunities to increase its performance.
- b. Hired a testing firm to be on-site during engineering evaluations to provide real time feedback on emissions reductions achieved by various troubleshooting efforts.
- c. Performed multiple “bake-outs” of the RTO media bed.
- d. Performed change-outs of the baghouse filter bags upstream of the RTO.
- e. Performed cleanout and maintenance of the RTO media bed.
- f. Performed adjustments to poppet valves in the RTO, including changes to timing and seating pressure on the valves.
- g. Adjusted the RTO operating temperature ranging from its previous temperature

of 1550 degrees Fahrenheit up to 1650 degrees Fahrenheit.

16. On June 1, 2023, DEQ responded to the May 23, 2023 correspondence. DEQ provided that there was no testing deadline to extend. DEQ provided that, because the RTO is subject to CAO LIS: 22-090, there is no specified date to bring the facility and unit into compliance. Therefore, DEQ was unable to approve the request.

17. On June 6, 2023, Respondent submitted emissions test results for VOC testing at SN-133.

18. In correspondence dated June 6, 2023, Respondent provided the following information:

- a. Respondent enlisted aid from the equipment manager and a third party company to review SN-133. The goal was to increase the destruction efficiency of SN-133.
- b. Respondent submitted a request to extend the date by which further re-testing of SN-133 should be completed.
- c. Respondent provided two possible reasons for the failed emission test:
  - i. The emissions from SN-133 averaged 0.64 lbs/hr, while the permit limit is 7.1 lbs/hr.
  - ii. SN-133 did not operate at full capacity.

19. In correspondence dated June 12, 2023, DEQ informed Respondent that it had completed its review of the test results submitted on June 6, 2023.

20. The review of the emissions test results submitted on June 6, 2023, revealed that Respondent failed to reduce the input stream of VOCs by ninety-eight weight percent during testing at SN-133. Such a failure violates Specific Condition 11 of Permit R20 and therefore violates Ark.

Code Ann. § 8-4-217(a)(3) as referenced by Ark. Code Ann. § 8-4-304.

Table 2					
Source	Pollutant	Test Method	Test Results	Permit Limits	Results
SN-133	VOC	25A	96.45% DRE	98% DRE	Fail

21. On August 10, 2023, DEQ personnel conducted a full compliance inspection of Respondent's facility. The inspection covered the reporting period of August 1, 2021 through June 30, 2023.

22. Specific Condition 92 of Permit R18, Specific Condition 72 of Permits R19 and R20, and Specific Condition 74 of Permit R21 state that Respondent shall not exceed the Volatile Organic Compounds (VOC) content limit of 0.1 lb/gal in any repair paint.

23. During the inspection, it was discovered that Respondent exceeded the VOC content limit on two (2) paint products. Paint product #13109 had a VOC content of 0.11 lb/gal and paint product #15747 had a VOC content of 4.0 lb/gal. Such an act violates Specific Condition 92 of Permit R18, Specific Condition 72 of Permits R19 and R20, and Specific Condition 74 of Permit R21 and therefore violates Ark. Code Ann. § 8-4-217(a)(3) as referenced by Ark. Code Ann. § 8-4-304.

24. In a letter dated August 29, 2023, DEQ informed Respondent of the compliance issues identified during the inspection conducted on August 10, 2023. This letter was intended to give Respondent an opportunity to review the issues identified and submit any additional information Respondent deemed appropriate.

25. On September 29, 2023, Respondent submitted a response to the August 29, 2023 letter. The response stated that Respondent would submit a permit modification application to DEQ to raise the VOC limits.

26. In correspondence dated October 12, 2023, DEQ informed Respondent that formal enforcement action was proceeding regarding the violation of Specific Condition 92 of Permit R18, Specific Condition 72 of Permits R19 and R20, and Specific Condition 74 of Permit R21.

27. On October 12, 2023, Respondent submitted an email response to the October 12, 2023 letter. The response stated that Respondent will submit a minor permit modification to DEQ to increase the VOC limits at the Tire Inspection/Repair Area (SN-68 and SN-106).

28. On December 4, 2023, Respondent submitted a minor permit modification to DEQ to increase the VOC limit at SN-68 and SN-106.

29. On January 26, 2024, DEQ sent Respondent a proposed CAO. In a response dated February 21, 2024, Respondent requested revisions to the CAO.

#### **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 fifteen (15) calendar days of the effective date of this CAO, Respondent shall submit a compliance plan and schedule to DEQ for review and approval to get SN-133 into compliance with Permit R21.

2. Within fifteen (15) calendar days of the effective date of this CAO, Respondent shall submit a test protocol for VOC testing at SN-133.

3. Within thirty (30) calendar days after the test protocol is submitted, Respondent shall conduct emissions testing for VOC at SN-133.

4. Within thirty (30) calendar days after the emissions testing at SN-133, Respondent

shall submit the emissions test results for SN-133 to DEQ.

5. In the event that the emissions test is failed, within thirty (30) calendar days after the determination of failure, Respondent shall submit a permit modification application to adjust the permitted emissions rates for VOC at SN-133.

6. The test results and compliance plan shall be submitted to:

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

7. In compromise and full settlement of the violations specified in the FINDINGS OF FACT, Respondent agrees to pay a civil penalty of **FIFTEEN THOUSAND THREE HUNDRED TWENTY DOLLARS (\$15,320.00)**. Payment is due within thirty (30) calendar days after 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.

8. In the event Respondent fails the emissions test for VOC at SN-133, Respondent agrees to pay an additional **FIVE THOUSAND SEVEN HUNDRED FORTY DOLLARS (\$5,740.00)**. Payment is due within thirty (30) calendar days after the test report review letter is received by Respondent. 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.



9. 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.

10. 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.

11. 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.

12. 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.

13. 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.

14. 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.


15. 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.

16. 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.

17. 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 7<sup>th</sup> DAY OF MAY, 2024.

  
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CALEB J. OSBORNE  
DIVISION OF ENVIRONMENTAL QUALITY, DIRECTOR  
CHIEF ADMINISTRATOR, ENVIRONMENT  
ARKANSAS DEPARTMENT OF ENERGY & ENVIRONMENT

APPROVED AS TO FORM AND CONTENT:

THE GOODYEAR TIRE & RUBBER COMPANY

BY: Tommy Collins (Signature)

Tommy Collins (Typed or printed name)

TITLE: Plant Director

DATE: May 2nd, 2024