



# Compliance Pitfalls: Where Facilities Get Tripped Up

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Course Instructor

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*“By failing to prepare, you are preparing to fail.”*

Benjamin Franklin

# Session Objectives

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**01** Identify common compliance pitfalls

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**02** Understand why they occur

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**03** Learn practical prevention strategies

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**04** Reduce enforcement risk

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**05** Time for questions

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# What Happens During an Arkansas Inspection

## 01

### Records Review

- ▶ Permits
- ▶ Reports
- ▶ Recordkeeping logs
- ▶ Prior deviations
- ▶ Correspondence

## 02

### Site Walkthrough

- ▶ Overview of the site
- ▶ Review permitted sources
- ▶ Review Insignificant Actives

## 03

### Data Verification

- ▶ Obtain copies of recordkeeping logs
- ▶ Obtain copies of SDS or other relevant data

## 04

### Staff Interviews

- ▶ May ask questions as of operators during walkthrough
- ▶ Will ask questions of environmental staff

# Arkansas Inspection Trends

## Key Takeaway

- Many enforcement actions stem from administrative issues
- Facilities often believe they are in compliance, but can't demonstrate it
- Inspectors look for repeat issues



**1** Recordkeeping deficiencies

**2** Monitoring not aligned with permit

**3** Late/inaccurate reporting

**4** Permitting misunderstandings

**5** Poor internal communication

# How Issues Become Enforcements

## 01

### Inspection Findings

- Notify in SEEK of any non-compliance issues
- Respond in SEEK
- Respond in a timely manner with additional documentation, if possible

## 02

### Consent Administrative Order (CAO)

- Non-compliance issues that are not resolved will be carried forward into a CAO
- Civil penalty is assessed using a penalty matrix
- May have an option to reduce the fine by 50% if paid within 30 days of executed CAO



# Pitfall #1: Recordkeeping Failures

## Real Life Example:

- A facility has a 12-month rolling VOC limit
- 3 months of data is missing due to staff turnover
- Non-compliance notification issued



**1** **Missing records**  
If it isn't documented, it didn't happen

**2** **Data gaps**  
Missing data creates compliance risk even if emissions were under limits

**3** **Inconsistent formats**

# Pitfall #2: Monitoring Doesn't Match Permit

## Real Life Example #1:

- Permit requires daily baghouse pressure drop monitoring
- Facility monitors weekly
- Non-compliance notification issued

## Real Life Example #2:

- Permit requires annual opacity check of the emergency engine
- Facility never included the annual opacity check on their compliance calendar or reminder system
- Non-compliance notification issued



## 1 Wrong parameters tracked

Know what your permit requires

## 2 Incorrect frequency monitored

Daily, weekly, monthly?

## 3 Computerized monitoring gaps

Do you have a backup system for when the electronic system fails?

# Pitfall #3: Late or Incorrect Reporting



Easiest Violation to Avoid!

## Late Title V Reports

- Deadline for the ACC report and the SAM report is based on when the first Title V permit was issued
- Office of Air Quality has a chart on the Compliance webpage to determine due date
- Contact Heinz Braun if unsure

## Late NSPS or NESHAP Reports

- Deadline for each report is established in the applicable federal rule
- May be different from Title V Reports

## Real Life Example

- ACC and SAM reports were due August 1
- Created in ePortal and notified the RO on July 28 to certify/submit the reports
- RO didn't submit the reports in ePortal until August 2
- Reports were late and non-compliance notification issued

# Pitfall #4: Opacity Issues

## Real Life Example:

- Permit allows for corrective action and Method 9 reading after corrective action before the opacity exceedance is a violation
- Opacity exceedance noted
- Corrective action taken, but not documented
- No one at the facility had maintained Method 9 certification
- Non-compliance notification issued



## 1 Certification Laps

- Method 9 certification is only good for 6 months
- No one certified to train others

## 2 Corrective Action

- Does your permit allow corrective action?
- If it is not documented, it didn't happen

## 3 Opacity Reading At Wrong Time

- Opacity reading cannot be performed before sunrise

# Pitfall #5: Changes Without Evaluation

## 01

### Equipment Replacement

- ▶ Don't assume like-kind replacement
- ▶ Don't assume exempt/no notification required
- ▶ Take advantage of 8 CAR §41-415: Changes Resulting in No Emissions Increase

## 02

### Throughput Creep

- ▶ Monitor the 12-month rolling totals
- ▶ Submit a permit modification
- ▶ Communicate to facility management

## 03

### Temporary Units

- ▶ Temporary unit installed without notification to ADEQ
- ▶ Temporary unit becomes permanent without a permit modification

## 04

### Real Life Example

Facility replaces an old emergency engine with newer same size unit

- ▶ Didn't think a permit mod was needed because same size
- ▶ Didn't realize federal regulation changes
- ▶ Non-compliance notification issued

# Pitfall #6: Poor Internal Communication

## Real Life Example:

- Inspector asked an operator a question
- Operator gave an answer that conflicted with the permit language
- Answer was operationally correct, but inconsistent with the permit
- Raised concerns with the inspector and resulted in more questions to the Environmental Manager
- The facility was in compliance but created additional work for the Environmental Manager



**1 Operators**  
Do they know the permit limits?

**2 Management of Change**  
Is the Environmental Manager informed of changes?

**3 Contractors**  
Are they trained on the air permit for their designated area?

**4 Backup Environmental Contact**  
Is there a backup person when the Environmental Manager is out?

# Pitfall #7: Inspection Readiness or Lack Thereof

**01**

## **Disorganized Records**

- Suggestion: Keep all air compliance records in one electronic folder
- Clearly label all files

**02**

## **Slow to Respond**

- Respond to all requests from the inspector as soon as practical
- Communicate any delays

**03**

## **No Inspection Protocol**

- Who is notified when the inspector shows up?
- Who is the back-up person?
- Does the back-up person have access to electronic files?

**04**

## **Review Documents**

- Compliance records should be reviewed periodically for errors and accuracy

**05**

## **Over-Sharing Information**

- Answer the question asked
- Provide the document requested
- Don't over-share

# What Are Inspectors Looking For

## Consistency

Inspectors are looking for clear, consistent records

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## Transparency

Inspectors are looking for truthful answers to their questions

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## Ability to Explain Compliance

- You should be an expert in your permit and your air emission sources
  - Inspectors are looking to see if you know your air permit compliance requirements
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## Outstanding Fees

This is something new that inspectors will be reviewing during inspections



# Minor Issues that Create Major Impressions

These minor issues rarely result in enforcement, but they shape how the inspector perceives your facility.



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Outdated site maps

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Air emission sources not labeled

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Conflicting equipment IDs

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Not using the most recent permit version

# What Good Facilities Do Differently

They intentionally prepare!

## Compliance Systems

- ▶ Real-time compliance tracking
- ▶ Compliance calendar
- ▶ Compliance binder
- ▶ Compliance reminders

## Internal Audits

- ▶ Audit permit compliance records for error and accuracy
- ▶ Internal inspections
- ▶ Third-party audits

## Cross-Training

- ▶ Management, operators, supervisors are trained on air permit requirements
- ▶ Back-up for the environmental staff

## Inspection Ready Files

- ▶ Already audited for errors
- ▶ Save to one location easy to copy or email
- ▶ File labeled clearly and accurately

# Key Takeaways

Compliance success is about **consistency** and **discipline**



**1** Most violations are preventable

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**2** Documentation is critical

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**3** Administrative issues can drive enforcement

# Questions and Discussion



# Thank you



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