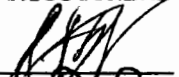
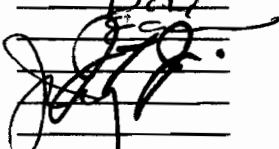


MINUTE ORDER NO. 85-24

Peace Valley  
PAGE 1 OF 1

The Commission hereby authorizes the Chairman to sign and issue the attached Consent Order, LIS 85-02, thereby resolving, upon consent of the parties, the matter raised upon petition by Peace Valley Charcoal Co. for review of the Director's decision to deny the variance request from the permitting and visible emission requirements of the Arkansas Air Pollution Control Code.

COMMISSIONERS

  
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D.B.  
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CHAIRMAN

SUBMITTED BY: Phillip Deisch DATE PASSED: 9-27-85

ARKANSAS DEPARTMENT OF POLLUTION CONTROL AND ECOLOGY  
BEFORE THE COMMISSION ON POLLUTION CONTROL AND ECOLOGY

IN THE MATTER OF:  
PEACE VALLEY CHARCOAL CO.  
Facilities located at Harriet,  
Ravenden Springs and Fox, Arkansas

VS.

LIS 85-02

PHYLLIS GARNETT, Director of  
Department of Pollution Control  
and Ecology of the State of Arkansas

CONSENT ORDER

This Consent Order is issued by the Commission on Pollution Control and Ecology pursuant to the authority of the Arkansas Water and Air Pollution Control Act (Act 472 of 1949, as amended; Ark. Stat. Ann. § 82-4201 et seq.).

This matter arises from a request for Commission review of the Director's decision to deny Peace Valley Charcoal Company's request for a variance from Sections 3 and 4 of the Arkansas Air Pollution Control Code. The issues herein having been settled by agreement of the parties and the Commission finding that such agreement as expressed by the signatures of the parties hereto should be adopted as the Order of the Commission herein, it is ORDERED that:

1. Peace Valley shall, within forty-five days from the date hereof, submit a permit application and any other information necessary to obtain permits from ADPC&E for all the kilns at each facility located in Fox, Harriet and Ravenden Springs. Each kiln at the three facilities shall be ascribed an estimated remaining life to

be incorporated into the permit for the purpose of establishing a date of replacement for each kiln with a kiln having pollution control equipment.

2. All new kilns installed, or major modifications of existing kilns, at any of Peace Valley's facilities after August 20, 1984, shall comply with all applicable permitting and emission limits of the Arkansas Water and Air Pollution Control Act and regulations promulgated thereunder.

3. Peace Valley is granted a two-year variance beginning July 1, 1985, and extending through July 1, 1987, from the visible emission limits of Section 4 of the Arkansas Air Pollution Control Code. After July 1, 1987, at least one afterburner, or other pollution control equipment approved by the Director of ADPC&E, shall be installed each year at any one of the three facilities with the first afterburner or other approved pollution control equipment installed no later than July 1, 1988. At least one afterburner or other approved pollution control equipment shall be installed each year until all kilns existing prior to August 20, 1984, are controlled by afterburners or other approved pollution control equipment.

4. Peace Valley shall relocate the Ravenden Springs facility by July 1, 1987, to a more remote location approved by ADPC&E. The move to a more remote location shall require a permit modification to reflect the new location but shall not constitute a major modification for purposes of requiring the installation of pollution control equipment other than as provided for herein.

5. Any changes in location of all or part of the facilities currently located at Harriet or Fox shall require a permit modification to reflect the new location but shall not constitute a major modification for purposes of requiring the installation of pollution control equipment other than as provided for herein.

SO ORDERED this 27th day of September, 1985.

ARKANSAS COMMISSION ON POLLUTION  
CONTROL AND ECOLOGY

  
CHAIRMAN

APPROVED AND AGREED AS TO FORM AND CONTENT:

PEACE VALLEY CHARCOAL COMPANY

BY: 

GAIL INMAN-CAMPBELL

TITLE: ATTORNEY FOR PEACE VALLEY CHARCOAL COMPANY

DATE: AUGUST 27, 1985

PHYLLIS GARNETT, DIRECTOR  
ARKANSAS DEPARTMENT OF POLLUTION CONTROL AND ECOLOGY

BY: 

TITLE: Director

DATE: August 30, 1985