

ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

AFIN: 47-00914

**ROLL COATER, INC.
5888 EAST COUNTY ROAD 180
BLYTHEVILLE, ARKANSAS 72315**

L1510-096

CONSENT ADMINISTRATIVE ORDER

This Consent Administrative Order ("CAO") is issued pursuant to the authority of the Arkansas Water and Air Pollution Control Act, Act 472 of 1949, as amended (the "Act"), codified at A.C.A. §8-4-101 et seq. (the "Code"), Arkansas Pollution Control and Ecology Commission Regulation Number 7, Arkansas Pollution Control and Ecology Commission Regulation Number 8, Arkansas Pollution Control and Ecology Commission Regulation Number 18, Arkansas Pollution Control and Ecology Commission Regulation Number 19, and Arkansas Pollution Control and Ecology Commission Regulation Number 26.

The issues herein having been settled by agreement of **ROLL COATER, INC. (RC)** and the Director of the Arkansas Department of Environmental Quality (**ADEQ**), it is hereby agreed and stipulated that the following **FINDINGS OF FACT** and **ORDER AND AGREEMENT** be entered herein.

FINDINGS OF FACT

1. **RC** owns and operates a metal coil coating facility located at 5888 EAST COUNTY ROAD 180, BLYTHEVILLE, MISSISSIPPI County, Arkansas.

2. **ADEQ** issued Air Operating Permit number 2124-AOP-R0 to **RC** on January 31, 2008.
3. A.C.A. §8-4-103(c)(1) as referenced by A.C.A. §8-4-304 and §8-4-311 authorizes **ADEQ** to assess an administrative civil penalty not to exceed ten thousand dollars (\$10,000) per violation.
4. Specific Condition 3 of Air Operating Permit Number 2124-AOP-R0 provides:

The permittee shall not exceed the emission rates set forth in the following table. The permittee will demonstrate compliance with this condition by the requirements of Specific Condition #11. [Regulation No. 19 §19.501 *et seq.* effective May 28, 2006, and 40 CFR Part 52, Subpart E]

Table 6 – Maximum Criteria Emission Rates for Sources Listed

Source Number	Pollutant	lb/hr	ton/yr
SN-01G (Prime Waste Heat Boiler Bypass Exhaust)	SO ₂	0.4	1.8
SN-01H (Prime Waste Heat Boiler Exhaust)	CO	34.2	240.0**
	NO _x	6.3	27.6
SN-01I (Finish Waste Heat Boiler Bypass Exhaust)	SO ₂	0.5	2.2
SN-01J (Finish Waste Heat Boiler Exhaust)	CO	34.2	240.0**
	NO _x	7.7	33.8

**Bubble for SN-01G, SN-01H, SN-01I and SN-01J at 240.0 tons per year.

5. **RC** conducted a stack test on January 30, 2009.
6. Subsequent to conducting a stack test, **RC** submitted the stack test results to **ADEQ** on March 17, 2009.
7. In letters dated April 7, 2009 & May 4, 2009, **ADEQ** informed **RC** that the evaluation of the stack test reports was complete. The results revealed a 6.75 lb/hr emission rate for NO_x at SN-01G & SN-01H, which is above the permitted limit NO_x of 6.3 lb/hr for SN-01G & SN-01H. This establishes a violation of Specific Condition 3 of Air Operating Permit Number 2124-AOP-R0 and A.C.A. §8-4-217(a)(3) as referenced by A.C.A. §8-4-304.

8. RC submitted an air permit modification application to increase the emission rate for NO_x at SN-01G & SN-01H on May 26, 2009. ADEQ deemed the air permit modification application submitted May 26, 2009, administratively complete on June 1, 2009.

ORDER AND AGREEMENT

WHEREFORE, RC and ADEQ do hereby agree and stipulate as follows:

1. Until such time a final Air Operating Permit to increase the NO_x emission limit at SN-01G & SN-01H is issued, RC shall operate in accordance with Specific Condition 3 of Air Operating Permit Number 2124-AOP-R0.

2. RC shall maintain all records necessary to demonstrate compliance with the throughput, usage, and emission rates contained in Air Operating Permit Number 2124-AOP-R0. Such records shall be maintained on-site and be made available to ADEQ upon request.

3. In compromise and full settlement for instances of non-compliance specified in the **FINDINGS OF FACT**, RC agrees to pay the sum of **ONE THOUSAND SEVEN HUNDRED SIXTEEN DOLLARS AND SEVENTY-FIVE CENTS (\$1,716.75)**. The total amount shall be made payable to the Arkansas Department of Environmental Quality and mailed to:

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

Unless otherwise notified, in writing, by ADEQ, RC shall pay the settlement amount within thirty (30) calendar days after the effective date of this CAO.

4. All submissions required by this CAO are subject to approval by ADEQ. In the event of any deficiency, RC shall, within **fifteen (15) calendar days** of notification by ADEQ, submit any additional information requested. Failure to adequately respond 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 approved schedules provided for herein constitutes a violation of said **CAO**. If **RC** should fail to meet any such limits, requirements, or deadlines, **RC** consents and agrees to pay, on demand, to **ADEQ** civil penalties according to the following schedule:

(a) First day through the tenth day:	\$500 per day
(b) Eleventh day through the twentieth day:	\$1000 per day
(c) Twenty-first day through the thirtieth day:	\$1500 per day
(d) Each day beyond the thirtieth day:	\$2000 per day

Stipulated penalties shall be paid within thirty (30) calendar days of receipt of **ADEQ'S** demand to **RC** 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 which may be available to **ADEQ** by reason of **RC'S** failure to comply with the requirements of this **CAO**. **ADEQ** reserves its rights to collect other penalties and fines pursuant to its enforcement authority in lieu of the stipulated penalties set forth above; provided, however, that under no circumstances shall **ADEQ** be entitled to double recovery of penalties or fines under this **CAO** and pursuant to its enforcement authority.

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 **RC** with the requirements or deadlines of this **CAO**, **RC** shall so notify **ADEQ**, 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. **ADEQ** may grant an extension of any provision of this **CAO**, provided that **RC** 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 **RC**. 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 **RC** and the length of the delay attributable to such circumstances shall rest with **RC**. Failure to notify **ADEQ** 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 A.C.A. §8-4-103(d) and is, therefore, not effective until thirty (30) days after public notice of the **CAO** is given. **ADEQ** retains the right and discretion to rescind this **CAO** based on comments received within the **thirty-day** public comment period.

9. As provided by Arkansas Pollution Control and Ecology Commission Regulation Number 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 **RC** of any obligations imposed by any other applicable local, state, or federal laws, nor, except as specifically provided herein, shall this **CAO** be deemed in any way to relieve **RC** of responsibilities contained in the permit.

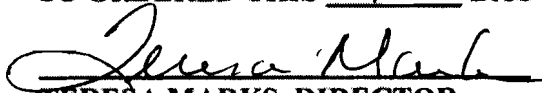
11. Nothing in this **CAO** shall be construed as a waiver by **ADEQ** of its enforcement authority over alleged violations not specifically addressed herein. In addition, this **CAO** does

not exonerate RC from any past, present, or future conduct which is not expressly addressed herein, nor does it relieve RC of the responsibilities for obtaining any necessary permits.

12. This CAO shall apply to and be binding upon ADEQ and upon RC, their successors and assigns. Any changes in ownership or corporate status of RC, including, but not limited to, any transfer of shares, assets or other real or personal property, shall in no way alter RC'S obligations under this CAO.

13. Each of the undersigned representatives of the parties certifies that he or she is authorized to execute this CAO and to legally bind that party to its terms and conditions.

SO ORDERED THIS 7th DAY OF June, 2010


TERESA MARKS, DIRECTOR

ARKANSAS DEPARTMENT OF
ENVIRONMENTAL QUALITY

APPROVED AS TO FORM AND CONTENT:

ROLL COATER, INC.

BY:  (Signature)

JAMES W. BOYLE (Typed or printed name)

TITLE: SR. DIRECTOR MFG.

DATE: 6-2-10