



**BEFORE THE DIRECTOR OF THE
ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY**

In the Matter of:

CONSENT ORDER

Asphalt Paving & Supply, Inc. Inc. DBA
Arrowhead Materials located at
2400 N Glassford Hill Rd,
Prescott Valley, AZ86314

Docket No. _____

Place ID 165561

I. RECITALS

- A. Asphalt Paving & Supply, Inc. Inc DBA Arrowhead Materials is the operator of the Hot Mix Asphalt Plant, 2400 N Glassford Hill Rd, Prescott Valley, AZ 86314 in Yavapai County.
- B. Pete Thompson is a representative of Asphalt Paving & Supply, Inc. DBA Arrowhead Materials and certifies that he is fully authorized to execute this Consent Order on behalf of Asphalt Paving & Supply, Inc. DBA Arrowhead Materials and to legally bind Asphalt Paving & Supply, Inc. DBA Arrowhead Materials to this Consent Order.
- C. The Director of Arizona Department of Environmental Quality (ADEQ) has jurisdiction of this action's subject matter and is authorized to issue this Consent Order pursuant to the Arizona Revised Statutes (A.R.S.) § 49-461, § 41-1004, and § 41-1092.07(F)(5).
- D. Asphalt Paving & Supply, Inc. DBA Arrowhead Materials agrees that the Director of ADEQ has jurisdiction of this action's subject matter.
- E. This Consent Order contains the full terms of the agreement between Asphalt Paving & Supply, Inc. DBA Arrowhead Materials and ADEQ.
- F. Asphalt Paving & Supply, Inc. DBA Arrowhead Materials voluntarily agrees to this Consent Order based only on the terms contained in the Consent Order.
- G. Asphalt Paving & Supply, Inc. DBA Arrowhead Materials understands that agreeing to this Consent Order does not resolve any liability that it may have for civil penalties for a violation of any State or Federal environmental law.

- H. Asphalt Paving & Supply, Inc. DBA Arrowhead Materials understands that agreeing to this Consent Order does not mean it admits to any civil or criminal liability, or waives any right or assertion of any defense available to Asphalt Paving & Supply, Inc. DBA Arrowhead Materials under applicable law.
- I. Asphalt Paving & Supply, Inc. DBA Arrowhead Materials does not admit the validity of any Agency Determinations and Findings contained in this Consent Order.
- J. Asphalt Paving & Supply, Inc. DBA Arrowhead Materials agrees not to dispute the validity or terms of this Consent Order in any future proceeding to enforce the terms of this Consent Order.
- K. Asphalt Paving & Supply, Inc. DBA Arrowhead Materials retains the right to dispute the validity of any Agency Determinations and Findings contained in this Consent Order in any proceeding other than a proceeding to enforce the terms of this Consent Order.

II. AGENCY DETERMINATIONS AND FINDINGS

The Director makes the following Agency Determinations and Findings that Asphalt Paving & Supply, Inc. DBA Arrowhead Materials has violated requirements of ADEQ issued Air Quality Control Permit No. 69486.

- A. Attachment "B", Condition III.A.3: Facility Wide Requirements [A.A.C. R18-2-306.01 and -331.A.3.a] [Material Permit Condition]:
The Permittee shall not operate a co-located concrete batch plant with a truck mix product loading operation without operating a baghouse to control emissions at the product loading point.
- B. On November 7, 2023, ADEQ conducted an air quality inspection for Asphalt Paving & Supply DBA Arrowhead Materials located at 2425 N Glassford Hill Rd, in Prescott Valley, Arizona. The facility operates a Concrete Batch Plant with a truck mix process that is not vented to any pollution control equipment as required by their general permit.
- C. On November 29, 2023, ADEQ issued NOV Case 216557 to Asphalt Paving & Supply, Inc. DBA Arrowhead Materials requiring the company to install and operate a baghouse, also known as a dust collector, at the product loading point for the truck mix concrete batch plant within 90 calendar days of receipt of the Notice.
- D. Asphalt Paving & Supply, Inc. DBA Arrowhead Materials confirmed NOV issuance on

November 29, 2024, and thus established the deadline to operate a baghouse on February 27, 2024.

- E. On December 1, 2024, Asphalt Paving & Supply, Inc. DBA Arrowhead Materials responded to ADEQ provided a proof of purchase documentation for the baghouse with an expected delivery date of June 18th, 2024. Asphalt Paving & Supply, Inc. DBA Arrowhead Materials requested additional time to acquire and operate the baghouse at the point of truckload mix.
- F. On December 11, 2023, to assess compliance with the NAAQS, ADEQ completed an air modeling analysis for Asphalt Paving & Supply, Inc. DBA Arrowhead Materials to establish interim maximum daily throughput limits that will protect the particulate matter (PM) ambient air quality standards.

III. COMPLIANCE SCHEDULE

ADEQ has established the compliance requirements. ADEQ and Asphalt Paving & Supply, Inc. DBA Arrowhead Materials have agreed on the completion deadlines. Asphalt Paving & Supply, Inc. DBA Arrowhead Materials agrees to comply with the provisions of this Consent Order as follows:

- A. Except for the condition identified in Section II, A of this order, and Asphalt Paving & Supply DBA Arrowhead Materials shall comply with the requirements for its Concrete Batch Plant, Crushing & Screening Plant, and the Hot Mix Asphalt Plant.
- B. Asphalt Paving & Supply, Inc. DBA Arrowhead Materials shall comply with the following operational requirements until the termination of the Consent Order:
 - a. Concrete Batch Plant production shall be limited to 400 cubic yards per day
 - b. Crushing and Screening Plant production shall be limited to 3,250 tons per day
 - c. Hot Mix Asphalt Plant production shall be limited to 3,500 tons per day
 - d. Maintain daily production records for each day of operation for the Concrete Batch Plant, the Crushing and Screening plant, and the Hot Mix Asphalt.
 - e. The above production records shall be made available to ADEQ upon request.
- C. By June 28, 2024, the ordered baghouse must be received, installed, and operational. Asphalt Paving & Supply, Inc. DBA Arrowhead Materials shall submit to ADEQ, documentation showing the control equipment, including photos and certification by the designated Responsible Corporate Official for the facility.

- D. Within 7 days of completing requirement III.C above (equipment is installed and operational), Asphalt Paving & Supply, Inc. DBA Arrowhead Materials shall update its Authorization To Operate (ATO) through myDEQ. Please Add/Delete/Modify equipment as necessary to ensure that all required equipment is included and accurately reflected. Asphalt Paving & Supply, Inc. DBA Arrowhead Materials shall notify ADEQ upon completion of this condition.

IV. STATUS REPORTS

- A. Until this Consent Order is terminated, Asphalt Paving & Supply, Inc. DBA Arrowhead Materials agrees to submit a written status report to ADEQ by the 10th of every month, beginning the first month following the effective date of this Consent Order. Each written status report shall be for the previous calendar month and shall identify the status of each item in Section III of this Consent Order.
- B. ADEQ will review the status reports and inform Asphalt Paving & Supply, Inc. DBA Arrowhead Materials in writing of any disputes. Asphalt Paving & Supply, Inc. DBA Arrowhead Materials must incorporate all required modifications, changes or other alterations that ADEQ requests within a reasonable time specified by ADEQ.

V. COMPLIANCE WITH OTHER LAWS

- A. This Consent Order does not include issues regarding releases, contamination, sources, operations, facilities or processes not expressly stated by the terms of this Consent Order, and does not interfere with the rights that the State of Arizona or Asphalt Paving & Supply, Inc. DBA Arrowhead Materials have under any federal or Arizona environmental statutes and rules regarding such issues.
- B. This Consent Order is not a permit of any kind, does not modify any permit of any kind, nor is it an agreement to issue a permit of any kind under federal, state or local law.
- C. This Consent Order does not alter, modify or revoke federal, state, or local law.
- D. This Consent Order is not a defense to any action to enforce any such permits or laws.
- E. Asphalt Paving & Supply, Inc. DBA Arrowhead Materials has an obligation to:
1. Apply for, obtain, and comply with all applicable permits.
 2. Comply with federal, state or local laws.
 3. Comply with the terms of this Consent Order.

VI. SITE ACCESS

Upon presenting credentials to authorized personnel on duty, ADEQ may at any time enter the premises at the Facility in order to observe and monitor compliance with the provisions of this Consent Order. This right of entry is in addition to ADEQ's rights under applicable law.

VII. CORRESPONDENCE

- A. Asphalt Paving & Supply, Inc. DBA Arrowhead Materials shall send all correspondence by email, mail, or hand delivery, such as documents, materials, plans, notices, or other items under this Consent Order, to:

Arizona Department of Environmental Quality
Air Compliance Unit
Attention: Katie Ebertz, Compliance Officer
1110 West Washington Street
Phoenix, Arizona 85007-2935
Telephone: 602-771-2324
Email: Ebertz.Katie@azdeq.gov

- B. Any submission to ADEQ is treated as submitted when ADEQ receives it.

- C. ADEQ shall send all correspondence by email, mail, or hand delivery under this Consent Order to:

Pete Thompson, Operations Manager
Asphalt Paving & Supply, Inc. DBA
Arrowhead Materials
2425 N Glassford Hill Rd
Prescott Valley, AZ 86314
Telephone: (928) 474-2231
Email: pthompson@nicnd.com

VIII. RESERVATION OF RIGHTS

- A. ADEQ agrees to this Consent Order based solely upon currently available information. If additional information is discovered, which indicates that the actions under this Consent Order are or will be inadequate to protect human health, safety, or the environment, or to conform with applicable federal or state laws, ADEQ has the right to require further action.

B. ADEQ has the right to:

1. Seek civil penalties for any and all violations of A.R.S. Title 49 or the applicable rules, occurring before the effective date of this Consent Order;
2. Disapprove Payson Concrete and Materials' work that fails to comply with this Consent Order;
3. Take enforcement action for any and all violations of this Consent Order; and,
4. Take enforcement action for any and all violations of A.R.S. Title 49 or the applicable rules, occurring after the effective date of this Consent Order.

C. As to this Consent Order, Asphalt Paving & Supply, Inc. DBA Arrowhead Materials waives all rights to appeal this Order under A.R.S. Title 41, pursuant to the ability to waive this right based on A.R.S.

§ 41-1004.

IX. VIOLATIONS OF ORDER

If Asphalt Paving & Supply, Inc. DBA Arrowhead Materials fails to comply with this Consent Order, Asphalt Paving & Supply, Inc. DBA Arrowhead Materials can be liable for other administrative or judicial sanctions, including civil penalties under A.R.S. § 49-463, the same as if for a violation of any State or Federal environmental law.

X. SEVERABILITY

If a court of law declares that any provision of this Consent Order is invalid or unenforceable, all other provisions of this Consent Order remain in full force and effect.

XI. MODIFICATIONS

Any modifications of this Consent Order must be in writing and Asphalt Paving & Supply, Inc. DBA Arrowhead Materials and ADEQ both must approve the modifications.

XII. EFFECTIVE DATE

The effective date of this Consent Order is the date this Consent Order is signed by ADEQ and Asphalt Paving & Supply, Inc. DBA Arrowhead Materials. If ADEQ and Asphalt Paving & Supply, Inc. DBA Arrowhead Materials sign on different dates, the later date is the effective date

of this Consent Order.

XIII. PARTIES BOUND

Asphalt Paving & Supply, Inc. DBA Arrowhead Materials is responsible, and will remain responsible, for carrying out all activities required under this Consent Order, regardless of change in ownership, corporate status, or partnership status, or transfer of assets or real or personal property relating to the subject of this Consent Order, unless:

- A. The Party to whom the right, title, or interest has been sold, transferred, or assigned agrees in writing to fulfill the obligations of this Consent Order; and,
- B. ADEQ approves the provisions transferring the obligation.

XIV. TERMINATION

- A. ADEQ will notify Asphalt Paving & Supply, Inc. DBA Arrowhead Materials in writing that this Consent Order is ended when ADEQ determines that Asphalt Paving & Supply, Inc. DBA Arrowhead Materials has demonstrated that all of the terms of this Consent Order have been completed or satisfied.
- B. If ADEQ denies a request for termination, ADEQ will notify Asphalt Paving & Supply, Inc. DBA Arrowhead Materials in writing and describe which terms of the Consent Order have not been completed to ADEQ's satisfaction.
- C. ADEQ reserves the right to terminate this Consent Order unilaterally at any time for any reason, but will notify Asphalt Paving & Supply, Inc. DBA Arrowhead Materials in writing as to the reason(s) for termination.

Signed this _____

Balaji Vaidyanathan, Section Manager
Facilities Emissions Control
Arizona Department of Environmental Quality

CONSENT TO ORDER

Pete Thompson, on behalf of Asphalt Paving & Supply, Inc. DBA Arrowhead Materials acknowledges that he has read all of the Consent Order. Asphalt Paving & Supply, Inc. DBA Arrowhead Materials agrees:

- A. With the statements made,
- B. To this Consent Order with the Arizona Department of Environmental Quality, and,
- C. That Asphalt Paving & Supply, Inc. DBA Arrowhead Materials will comply with this Consent Order and waive any right to appeal.

Signed this _____.

Pete Thompson
Asphalt Paving & Supply, Inc. DBA Arrowhead Material

I HEREBY CERTIFY that on _____, the **ORIGINAL** was filed in the facility file located at:

Arizona Department of Environmental Quality
1110 W Washington St
Phoenix, AZ 85007-2935

I HEREBY CERTIFY that on _____, a true and correct copy was emailed, if provided, or sent via USPS regular mail to:

Pete Thompson
Asphalt Paving & Supply, Inc.
DBA Arrowhead Materials
2425 N Glassford Hill Rd
Prescott Valley, AZ 86314
Telephone: (928) 237-6076

I HEREBY CERTIFY that on _____, a true and correct copy was emailed, if provided, or sent via USPS regular mail to:

Arizona Department of Environmental Quality
Office of Administrative Counsel

Curtis Cox, Chief Counsel, Environmental Enforcement Section, Office of the Attorney General
Sean Sandy, Unit Manager, Air Compliance Unit
Katie Ebertz, Case Manager, Air Compliance Unit

ATTN: Amy Miller
Director, Enforcement and Compliance Assurance
US EPA Region 9
75 Hawthorne Street
San Francisco, CA 94105

Hearing Administrator