



Katie Hobbs
Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY



Karen Peters
Director

Case ID #: 216557

November 29, 2023

Asphalt Paving & Supply, Inc.
Attention: Pete Thompson
2425 N Glassford Hill Rd
Prescott Valley, AZ 86314

Subject: Asphalt Paving & Supply Inc. DBA Arrowhead Materials, Place ID 165561
2400 N Glassford Hill Rd / Prescott Valley, AZ 86314

NOTICE OF VIOLATION

This Notice of Violation (NOV) is an informal compliance assurance tool used by the Arizona Department of Environmental Quality (ADEQ) to put a responsible party (such as a facility owner or operator) on notice that the Department alleges a significant violation of an environmental requirement has occurred and this notice describes the facts known to ADEQ at the time of issuance. ADEQ has reason to believe that Asphalt Paving & Supply, Inc. as the owner/operator of equipment located at 165228 Physical Property For Air Portable Location has violated a requirement of the Arizona Revised Statutes (A.R.S.), a rule within the Arizona Administrative Code (A.A.C.), or an applicable permit, license, or administrative order. ADEQ identified the violations alleged below during an inspection or file review completed on November 07, 2023. See the Evidence of Compliance section below for the actions necessary to demonstrate resolution of the alleged violation(s).

ADEQ reserves the right to take a formal enforcement action, such as issuing an administrative order or filing a civil lawsuit, regardless of whether the Department has issued an NOV. Neither ADEQ's issuance of an NOV nor its failure to do so precludes the Department from pursuing these remedies. However, the timeliness of a complete response to this notice will be considered by ADEQ in determining if and how to pursue such remedies.

If this NOV is a result of an inspection then the NOV also serves as a monthly status update as required by A.R.S. § 41-1009(J).

I. LEGAL AUTHORITY and NATURE OF ALLEGED VIOLATION(S)

1. **Permit 69486 - Attachment "B" Condition III.A.**

"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. [A.A.C. R18-2-306.01 and -331.A.3.a]"

On November 7, 2023, during an on-site inspection of Asphalt Paving Supply, the ADEQ staff observed the permitted Hot Mix plant and documented the truck mix loadout operation was not equipped with a required baghouse or dust collector.

Permit 69486 - Attachment "A" Condition IV. D.

2. **"All equipment covered by this General Permit shall be clearly marked with a serial number or other equipment number that is listed on the ATO for that piece of equipment."**

During the inspection ADEQ Air Compliance Staff observed and documented a Concrete Batch Plant that was not listed in the equipment list of the ATO or Permit documents issued on June 24, 2022.

II. EVIDENCE OF COMPLIANCE

If you believe this Notice contains violations that did not occur, please submit evidence within 10 calendar days of receipt of this Notice demonstrating that the violation(s) never occurred. Upon receipt of such evidence, if ADEQ agrees that the violations(s) did not occur, ADEQ will either rescind or amend the Notice. ADEQ will provide you with the conclusion of its evaluation.

Otherwise, please provide evidence of compliance by meeting the conditions below. If ADEQ recommends a condition to assist you in achieving compliance, it will clearly note that the condition is recommended to be met and is not required by law.

1. Within 14 calendar days of receipt of this Notice, please submit a statement on whether you will proceed with the option to operate a baghouse at the point of truck mix loadout or the option to request a permit change. This statement must be signed by the designated Responsible Official for the facility. Please note that failure to adhere to the deadlines outlined in this NOV may be grounds for escalation to formal enforcement and potentially revocation of your current permit by ADEQ.
2. Within 30 calendar days of receipt of this Notice, please submit a purchase order documenting the purchase of a baghouse for use on controlling emissions from the truck mix loadout operation.
3. Within 90 calendar days of receipt of this Notice, please submit evidence that the baghouse was received, installed, and operational. Please submit documentation that includes a photo of the baghouse and certification letter signed by the designated Responsible Official for the facility.
4. Within 97 calendar days of receipt of this Notice, please submit modifications through the myDEQ portal of the Authorization to Operate (ATO) to reflect the "Concrete Batch Plant with Baghouse" on the equipment list.

III. SUBMITTING COMPLIANCE EVIDENCE

Please send all compliance evidence and any other written correspondence regarding this Notice by email to ebertz.katie@azdeq.gov or by mail to the following address:

Arizona Department of Environmental Quality, Attention: Katie Ebertz, Air Quality Compliance Unit, 1110 W Washington St, Phoenix, AZ 85007 MC: N/A

IV. STATEMENT OF CONSEQUENCES

Timely and good faith efforts to achieve and provide evidence of compliance within the time frames established in this Notice will be considered in determining whether ADEQ will further pursue unilateral

formal enforcement, including an administrative compliance order or civil action requiring compliance within a reasonable time frame, civil penalties, and/or the suspension or revocation of an applicable permit/license. If you cannot meet the time frames established in this Notice, negotiate a compliance schedule in an administrative consent order or judgment. Failure to do so will be cause for ADEQ to pursue unilateral formal enforcement.

V. OFFER TO MEET

ADEQ is willing to meet regarding this Notice and can provide information on how to return to compliance. To obtain additional information about this Notice or to schedule a meeting to discuss this Notice, please contact Katie Ebertz at (602) 771-2324.

DocuSigned by:

Balaji Vaidyanathan

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Balaji Vaidyanathan, Manager
AQD Facilities Emissions Control Section

DocuSigned by:

Katie Ebertz

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Katie Ebertz
Air Quality Compliance Unit