

News Release



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FOR IMMEDIATE RELEASE

FNF Construction, Inc. Agrees to \$115,000 Settlement for Air Quality Violations in Navajo, Yuma, Cochise, Mohave and Pinal Counties

PHOENIX (Jan. 4, 2012) – The Arizona Department of Environmental Quality and Arizona Attorney General's Office announced today that FNF Construction, Inc. of Tempe has agreed to a settlement worth \$115,000 as part of a consent judgment to resolve air quality violations that occurred at hot mix asphalt plants in Navajo, Yuma, Cochise, Mohave and Pinal counties from 2008 through 2011.

In addition to an \$85,000 monetary penalty, the settlement also requires the use of a \$30,000 computer system that allows the company to remotely view information about the operation of the facility to provide reasonable assurance that the facilities will remain in compliance. FNF will not have to pay \$25,000 of the penalty if it operates for two years without further, significant violations.

In 2008, ADEQ staff inspected FNF's facility in Navajo County near Winslow and determined that it was not using the necessary precautions or air pollution control devices and practices to reduce dust emissions from its equipment. As a result, the dust cloud observed by the inspectors was thicker than allowed by the facility's permit. Further investigation by the inspectors revealed that staff at the facility did not have the appropriate certifications to identify excessive dust emissions and that the facility did not keep records of mandatory self-audits.

In 2009, the facility that had been in Navajo County had been moved to Yuma County near Yuma International Airport. ADEQ staff re-inspected this facility as well as a different plant in Mohave County. Both inspections revealed that the facilities had violations similar to those observed in Cochise County. The facility in Yuma County subsequently moved to Cochise County near the Dragoon Mountains and failed a performance test designed to measure the amount of air pollution being emitted through the main stack of the facility.

In 2010, ADEQ staff re-inspected the hot mix asphalt facility in Mohave County near Kingman and determined that the facility was operating equipment without obtaining the necessary permit documents or performing the required performance tests for air pollution from the facility.

In 2011, the facility that had been in Navajo, Yuma and Cochise Counties had also operated in Pinal County near Casa Grande and failed a performance test for dust emissions.

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“These are serious violations that degraded air quality in five counties around the State,” said ADEQ Director Henry Darwin. “The company has resolved the violations and we hope this settlement is a new beginning.”

"These kinds of highway construction companies need to rigorously comply with state standards to protect the health of our citizens and our environment," Attorney General Tom Horne said.

The consent judgment is subject to Maricopa County Superior Court approval.