

# Air Enforcement: Arkansas Department of Environmental Quality and Phillips County, Arkansas, Grain Elevator Operator Enter into Consent Administrative Order



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The Arkansas Department of Environmental Quality (“ADEQ”) and ADM Grain River System, Inc., (“ADM”) entered into a July 13th Consent Administrative Order (“CAO”) addressing alleged violations of an air permit.

The CAO provides that ADM owns and operates a grain elevator (“Elevator”) in Phillips County, Arkansas. The Elevator is stated to hold an air permit (0800-AR-15)(“Air Permit”).

ADEQ personnel are stated to have conducted a routine compliance inspection on December 12, 2017, of the ADM facility for the reporting period of January 2016 through November 2017.

The CAO states that General Condition 16 of the Air Permit authorizes only those pollutant emitting activities addressed in the Permit. The inspection allegedly indicated that the activity of moving grain, using a portable auger, from the three temporary ground piles is a pollutant activity not addressed by the Air Permit. Such act is stated to violate General Condition 16 of the Air Permit.

ADM is stated to have responded to a December 19, 2017, letter from ADEQ through correspondence dated February 8, 2018, stating it had evaluated emissions associated with the activity of removing grain from the temporary ground piles and confirmed the historical accounting of those emissions through emission point SN-03 – Internal Handling (No Control).

ADM indicated it would submit a permit modification application to more expressly track such fugitive emissions. ADEQ’s Office of Air Quality is stated to have received the permit modification application on February 22, 2018.

The CAO further provides in relevant part:

In correspondence, Enforcement Referral, dated February 26, 2018, the ADEQ District Air Inspector stated, regarding Respondent’s February 8, 2018, response, that SN-03 only accounts for emissions of the grain handling once received at the permanent storage, not the handling at the temporary ground piles when the grain is loaded onto trucks.

ADEQ is stated to have informed ADM in March 2, 2018, correspondence that the compliance issue noted in the agency's December 19, 2017, correspondence, Preliminary Inspection Findings, was proceeding through formal enforcement channels.

ADM replied to the previously referenced ADEQ correspondence by providing information (already considered by ADEQ) that was included in the company's February 8, 2018, correspondence and its permit modification application received by the ADEQ Office of Air Quality on February 22, 2018.

ADEQ deemed the permit modification application administratively complete on March 12, 2018. Such modification provides that ADEQ is adding an existing portable auger at the temporary ground piles to the Permit as SN-10B, SN-11B, and SN-12B. The elevator's permit annual emissions are stated to be increasing by 5.9 tons per year PM and 2.0 tons per year PM10.

ADM is stated to neither admit nor deny the factual and legal allegations contained in the CAO. Further, the CAO provides that until ADEQ issues a final air permitting decision on the application, ADM may, at its own risk and with no guarantee that a final permit will be issued, operate in accordance with the permit modification application as it existed at the time ADEQ deemed it administratively complete.

The CAO assesses a civil penalty of \$450 which could have been reduced by one-half if the CAO was signed and returned to ADEQ by July 10th.

A [copy of the CAO](#) can be downloaded here.