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Hemp Drying-Processing Facility/Air Enforcement: Pennsylvania Department of Environmental Protection Order Requiring Cessation of Operation

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The Pennsylvania Department of Environmental Protection (“DEP”) issued a December 2nd Order pursuant to the Pennsylvania Air Pollution Control Act requiring that a hemp drying, processing, and storage facility (“Facility”) cease operations.

The Facility is stated to be owned by Patriot Shield Pennsylvania LLC (“Patriot”) and located in Westmoreland County, Pennsylvania.

The Order provides the Facility an option to continue operations if it provides DEP certain submissions within 45 days. The required submissions include:

- A plan approval application for the installation and operation of air contamination sources and/or any air cleaning devices; or
- A new Request for determination for the installation and operation of any air contamination sources and/or air cleaning devices.

The Order states that DEP received complaints from persons in the community reporting that objectionable odors were emanating from the Facility.

DEP is stated to have confirmed that a malodor as defined in 25 Pa. Code § 121.1 was emanating from the Facility. This is alleged to have resulted in a violation of 25 PA. Code § 123.31 (i.e., permitting the emission of malodorous air contaminants from the Facility that were detectable beyond the property where the Facility is located).

An additional alleged related violation is stated to include permitting air pollution as defined in the Air Pollution Control Act (because the malodor allegedly unreasonably interfered with the comfortable enjoyment of life in the community.)

Notice of Violations are stated to have been issued by DEP.

The Order also references alleged installation and operation violations which are stated to include installation of a generator and scrubber without obtaining authorization from DEP.

The Order requires that Patriot within two days of the receipt of the Order cease operation of all air contamination sources and air cleaning devices until DEP has authorized their operation at the site.

Further, Patriot is prohibited from installing and/or operating any air contamination sources or air cleaning devices without obtaining prior authorization from DEP. Also within two days of receipt of the Order the Facility is required to cease emissions of air contaminants from hemp drying, processing, and/or storage to the outdoor atmosphere, including passive emissions, until such time as the Order is modified or terminated in writing by DEP. Finally, the Facility is prohibited from accepting delivery of new hemp material for drying, processing, or storage until DEP has authorized operation of air contamination sources and/or cleaning devices.

The Order notes that certain appeal rights to the Environmental Hearing Board are provided.

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