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Open Burning/Air Enforcement: Alabama Department of Environmental Management and Lowndes, Alabama Animal Feed Manufacturing Facility Enter into Consent Order

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The Alabama Department of Environmental Management (“ADEM”) and Koch Foods of Alabama, LLC (“Koch”) entered into a June 26th Consent Order (“CO”) addressing an alleged air violation associated with open burning. See Consent Order No.: 17-____-CAP.

The CO provides that Koch is the owner and/or operator of an animal feed manufacturing facility located in Lowndes County, Alabama.

The Koch facility operates pursuant to certain air permits (Air Permit Nos. 207-0004-X023-X027). The permits authorized the construction and operation of a new animal feed manufacturing facility.

ADEM Admin. Code r. 335-3-3-.01 is quoted in the CO as stating:

No person shall ignite, cause to be ignited, permitted to be ignited, or maintain any open fire at any time unless it is for one of several approved reasons listed in ADEM Admin. Code r. 335-3-3-.01.

Similar language is referenced in the Koch permits.

ADEM personnel are alleged to have observed on March 23rd open burning of construction wood residuals in a large pit behind the construction site of the new feed mill at the facility. The alleged open burning is stated to be in violation of ADEM Admin. Code r. 335-3-3-.01 and Proviso No. 18 of the facility’s air permits.

A Notice of Violation was stated to have been issued by ADEM on April 5th referencing the alleged open burning of construction wood residuals in violation of the previously referenced administrative code provision and permits. The Alabama agency requested that Koch submit a written response to the Notice of Violation which was to include a written commitment to cease open burning.

Koch provided ADEM a response to the Notice of Violation and noted its awareness that their General Contractor was burning onsite.

The CO provides that Koch neither admits nor denies ADEM’s contentions. However, Koch commits to abide by the terms of the CO.

The CO assesses a civil penalty of \$2,500.

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