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Air Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and Desha County Animal Feed Mill Operator Enter into Consent Administrative Order

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The Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) and Schell & Kampeter, Inc. – Diamond Pet Foods (“S&K”) entered into a June 25th Consent Administrative Order (“CAO”) addressing an alleged violation of an air permit. See LIS No. 20-157.

The CAO provides that S&K owns and operates an animal feed mill (“Mill”) in Desha County, Arkansas.

The Mill had been issued Air Permit 2085-AR-5 (“Permit”).

DEQ personnel are stated to have conducted a compliance inspection of the mill on August 8, 2019. The reporting period for the inspection is stated to encompass August 1, 2016, through May 31, 2019.

The CAO states that during the inspection the Mill was determined to be operating a fines loadout within the Receiving Pit #1 area (SN-01) in which fines are collected at Plant #3 and routed to Plant #2 to receiving pits and bins. Referenced are fines from the loadout that are collected with sources handling manganese and form a finished product. The process operation is stated to be a pollutant emitting activity not addressed in the Permit.

DEQ personnel are stated to have informed S&K in correspondence dated September 10, 2019, of the alleged violation identified in the inspection.

The Mill is stated to have responded on October 14, 2019, providing the following information with regards to the fines loadout:

1. The dust collection from the receiving pits and bins goes to an existing baghouse system that is currently in the Permit.
2. A permit modification would be submitted to clarify the fines loadout dust collection system.

DEQ is stated to have received a permit modification application on January 6, 2020, to address the incorrect NAICS code and the fines loadout. Such permit modification application has been deemed administratively complete.

The CAO provides that S&K neither admits nor denies the factual and legal allegations in the CAO.

S&K is required to operate in accordance with the permit modification application as it existed at the time it was received on January 6, 2020, until such time as DEQ issues a final air permit decision on the permit modification application.

The CAO assesses a civil penalty of \$1,200 which could have been reduced by one-half if the CAO was signed and returned to DEQ by June 26th.

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