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Air Enforcement: Arkansas Department of Energy & Environment - Division of Environmental Quality and Grain Processing Plant Operator Enter into Consent Administrative Order

06/22/2022

The Arkansas Department of Energy & Environment - Division of Environmental Quality ("DEQ") and Riceland Foods, Inc. ("Riceland") entered into a May 24th Consent Administrative Order ("CAO") addressing alleged violations of certain air permits. See LIS No. 22-058.

The CAO provides that Riceland owns and operates three grain processing plants located in:

- Hickory Ridge, Arkansas ("Hickory Ridge Facility")
- Wheatley, Arkansas ("Wheatley Facility")
- Parkin, Arkansas ("Parkin Facility")

Each of the three Facilities hold air permits.

Parkin Facility

DEQ personnel are stated to have conducted a compliance inspection of the Parkin Facility on November 5, 2020, for the review period of October 1, 2017, through October 31, 2020. They are stated to have observed that the Parkin Facility was operating a grain waste storage operation at its facility without obtaining a permit. Further, the CAO states that several piles of grain were openly stored on the west end of the Parkin Facility, violating Specific Condition 5 and General Condition 16 of the permit.

Riceland stated that the trash truck had been inoperable since November 1, 2020, and that once it was repaired they would remove the piles. The Parkin Facility's Plant Manager also stated there were piles of grain already on site when he took over as a manager in July of 2020.

Grain piles were stated to be burning at the Parkin Facility which Riceland indicated had started smoldering in August 2020 presumably by spontaneous combustion. Because of the presence of smoke, this was stated to violate Arkansas Pollution Control & Ecology Commission ("APC&EC") Rule 18.602.

In response to November 16, 2020, correspondence, Riceland stated that in normal circumstances the Parkin Facility hauls grain waste to a neighboring landowner where it is managed/land applied. Further, the company stated it is not its intent to have piles liner and especially smolder and that most of the piles have been spread and the rest will be done with further drying. The trash truck is stated to be up and running.

Riceland also states it makes every possible attempt to avoid dumping grain on site. In the event of a breakdown, Riceland states it will make other arrangements to haul waste off site and the smoldering grain piles have been extinguished and spread.

Riceland submitted an application of an administrative amendment to add the grain waste activities as an insignificant activity on April 5, 2022. The application is stated to have been deemed administratively complete.

Hickory Ridge Facility

DEQ personnel are stated to have conducted a compliance inspection of the Hickory Ridge Facility on November 5, 2020, for the review period of August 1, 2018, through October 31, 2020. They are stated to have observed that the Hickory Ridge Facility was operating a grain waste storage operation at its facility without first obtaining a permit. In addition, several piles of grain waste were stated to be openly stored at the entrance of the Hickory Ridge Facility and deemed a pollutant emitting activity not addressed in the air permit.

Riceland responded in correspondence dated January 11, 2021, that the grain waste was removed shortly after the inspection and that it has an offsite location to take grain waste. Wet conditions are stated to have prevented the Hickory Ridge Facility from hauling the material offsite. Further, other solutions for grain waste disposal were stated to be under consideration.

Riceland submitted an administrative amendment permit application requesting that grain waste loading and unloading activities be added to its permit. This activity was approved as an administrative amendment to the permit.

Wheatley Facility

DEQ is stated to have received a complaint on September 28, 2020, alleging that dust was being emitted from the Wheatley Facility. The complainant's residence was visited on October 1, 2020, and grain waste and dust on surfaces outside of the complainant's residence including the roof, lawn, etc., were observed.

DEQ personnel conducted a compliance inspection on October 1, 2020, for the review period October 1, 2019, through September 30, 2020. During the inspection personnel are stated to have informed Riceland of the complaint.

Riceland indicated there had been equipment failure that week, which included the breaking loose of the United #7 trash line piping, two electric motors stopped working on the Unit #7 Trash Tank and Unit #7 Hull Tanks, and the west bin at SN-64 trash tank was closed.

DEQ personnel are stated to have determined that these equipment failures represented equipment not being maintained in good condition at all times, violating General Condition 9 of Wheatley Facility's air permit.

During the inspection DEQ reviewed the Wheatley Facility's Dust Management Plan and determined that the Facility had not logged any of the equipment malfunctions disclosed. Further, DEQ personnel are stated to have observed Unit #5 bin's aeration system emitting particulate matter, some of which was attributed to diminished capacity of the unit's nuisance dust bagfilters (but not all). The Wheatley Facility is stated to have operated the aeration system without first obtaining a permit, violating Specific Condition 5 of the Wheatley air permit.

In response to a DEQ query, Riceland stated in December 11, 2020, correspondence that soil was too wet to bring in equipment to move the grain waste. Grain salvage companies refused to collect the waste because the existing piles were too wet and of no value. Further, it stated that the Wheatley Facility plans to attempt removal of the piles either by renting equipment or hauling the waste offsite or by contracting the work out. The Wheatley Facility also stated it is in the process of gathering all filter bags needed to

perform a complete filter replacement of the relevant baghouses and the work was expected to be completed by the end of February 2021.

The Wheatley Facility stated that it ran approximately three weeks with the bagfilters not operating properly and calculated that an estimated amount of .3 tons of PM10 may have been emitted under a worst-case scenario. In addition, Riceland submitted an administrative permit application to include the grain waste loading/unloading activities to its permit.

DEQ determined that the request could not be processed as an administrative amendment because not all emissions were accounted for and additional requirements are necessary to control future dust emissions. These are stated to have included wind erosion from the piles and an updated Dust Management Plan.

A significant modification application was requested which was submitted by Riceland on July 27, 2021, and contained the additional emission calculations. Further, the Wheatley Facility submitted a revised Dust Management Plan (which was subsequently approved).

Riceland neither admits nor denies the factual and legal allegations contained in the CAO.

A civil penalty of \$7,900 is assessed.

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