



REGIONAL AIR POLLUTION CONTROL AGENCY

Serving Clark, Darke, Greene, Miami, Montgomery & Preble Counties

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December 18, 2008

Certified Mail

Mr. Gregory W. Holler
Facility Manager
Cargill, Inc.
3201 Needmore Rd.
P.O. Box 1400 A
Dayton, OH 45413-8001

NOTICE OF VIOLATION - Non-HPV

Summary: Pursuant to the NO_x Budget Trading Program and New Source Performance Standards, Cargill, Inc. (Cargill) is required to operate and maintain a nitrogen oxides (NO_x) continuous emissions monitoring system (CEMS) for emissions units B004 and B006. In accordance with the Title V permit and Permit to Install (PTI) 08-04215, the CEMS must be certified per the requirements specified in 40 CFR Part 60 and 40 CFR Part 75. Since certification in 2003, components of these monitoring systems have been moved to different locations, requiring recertification, but no letter of certification has been obtained for the CEMS as currently configured. Cargill is therefore operating the NO_x CEMS for B004 and B006 in violation of the Title V permit and PTI 08-04215.

Dear Mr. Holler:

This letter is in regards to the CEMS that Cargill owns and operates at its corn milling facility located at 3201 Needmore Road in Dayton, Ohio. The facility is identified by Ohio EPA facility ID 0857041124. Cargill owns and operates, among other equipment, emissions units B004 (a 567 mmBtu/hour, pulverized dry bottom coal, natural gas, and No. 2 fuel oil-fired boiler) and B006 (a 318.5 mmBtu/hour, natural gas and No. 2 oil-fired package boiler). The Regional Air Pollution Control Agency (RAPCA) has identified outstanding issues with regards to certification and recertification requirements for the NO_x CEMS serving emissions units B004 and B006.

Pursuant to PTI 08-04215, issued on July 10, 2001, and the Title V operating permit, issued on May 30, 2003, Cargill is required to operate and maintain equipment to continuously monitor and record NO_x emissions from B004 and B006 in units of the applicable standard(s). The NO_x CEMS are required to comply with the requirements specified in 40 CFR Part 60 and 40 CFR Part 75. Emissions units B004 and B006 are subject to Ohio Administrative Code (OAC) rule 3745-14, the NO_x Budget Trading Program which requires operation and maintenance of a NO_x CEMS in accordance with the requirements specified in 40 CFR Part 75. Additionally, B004

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and B006 are subject to New Source Performance Standards (NSPS) 40 CFR, Part 60, Subpart D (B004) and Subpart Db (B006) which require the use of a NO_x CEMS.

Pursuant to PTI 08-04215 and the Title V permit, Cargill is required to maintain on-site documentation from the USEPA or the Ohio EPA that the NO_x CEMS for B004 and B006 have been certified in accordance with 40 CFR Part 60 and Part 75. The letter of certification shall be made available to the Director upon request. The last certification test producing documentation from the Ohio EPA that Cargill's NO_x CEMS met performance specification requirements as listed in Ohio's State Implementation Plan (SIP), 40 CFR Part 60 and 40 CFR Part 75, was conducted in May 2003. The May 2003 certification test was performed on primary and secondary monitoring systems for B004 and a primary monitoring system for B006. Relative Accuracy Test Audits (RATAs) were conducted in 2004 and 2005 on each of Cargill's CEMS as evidenced in the attached Tables I and II. In April 2006, a certification test was conducted on a new secondary NO_x CEMS for B006 and RATAs were performed on the primary and secondary monitoring systems for B004 and primary monitoring system for B006.

On September 11, 2006, in response to the April 2006 certification/RATA testing, Ohio EPA sent a letter to USEPA Region V and Cargill explaining that the secondary NO_x CEMS for B006 could not be certified until cycle time test data was completed and submitted. Additionally, the letter stated that inconsistent monitor identification/serial numbers had been noted by Ohio EPA. More specifically, it appeared that CEMS monitors had been moved, with switches being made not only between primary and secondary systems but between emissions units. The letter stated, *"Ohio EPA questions the certification status of all the CEMS monitors that were not previously certified in their current locations, and any data they have been collecting since installation. Ohio EPA requests that USEPA Region V work with Cargill Sweeteners to determine the validity of the data collected by current CEMS for these emissions units, and that Ohio EPA be notified of any testing that may still be required in order to recognize the certification status of the identified CEMS, in the current locations."*

Attached are Tables I and II and a timeline which summarize monitor identification/serial number information from certification tests and RATAs conducted at Cargill from 2003 to present. While the summary clearly demonstrates inaccurate and inconsistent information when comparing Ohio EPA, RAPCA and test report data, it is evident from reviewing the tables that the locations of the CO₂ monitors (a component of the NO_x CEMS) for B004 and B006 have been switched, on more than one occasion, since 2003.

To date, Ohio EPA does not have record of receiving the April 2006 cycle time test data needed to certify the secondary CEMS for B006, therefore this system is presently not considered certified. To date, Ohio EPA has not received any information from USEPA or Cargill that validates the monitors in their 2006 locations. If Cargill has received correspondence from USEPA recognizing the secondary monitors for B006 as certified in their 2006 locations,

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RAPCA requests that a copy of the letter be sent to Ohio EPA and RAPCA within 7 business days of receipt of this Notice.

During an unannounced inspection at Cargill on February 6, 2007, RAPCA verified that the locations of the primary and secondary CO₂ monitors for B004 and B006 matched the locations of the monitors (as documented by Ohio EPA) during the April 2006 certification/RATA testing. During that inspection, it was explained that the outstanding certification issues would be addressed in the spring of 2007 when the annual RATA was performed. Cargill was also advised that any further swapping of monitors, without conducting a recertification test, would be considered a violation and result in formal enforcement action.

The results of the 2007 RATA indicated that the NO_x and CO₂ monitors for B004 and B006 had remained in the same locations since the 2006 testing. On April 14, 2008, the day before the 2008 RATA, RAPCA contacted Cargill with regards to the remaining information which was needed to obtain a letter of certification from Ohio EPA. Cargill was instructed to contact Ohio EPA regarding the measures that should be taken during the 2008 RATA to assure that all remaining data was properly collected and submitted for the CEMS on B004 and B006. On April 29, 2008, during RAPCA's annual facility inspection, Cargill informed RAPCA that the primary CO₂ monitors between B004 and B006 had again been switched just prior to conducting the April 15, 2008 RATA and that Cargill still needed to contact Ohio EPA regarding the outstanding CEMS issues. Cargill stated that, during the April 2008 testing, a three-load RATA was conducted on B004 and B006 due to the change in location of the monitors.

Pursuant to the recertification approval process in 40 CFR 75.20 (b), "Whenever the owner or operator makes a replacement, modification, or change in a certified continuous emission monitoring system . . . the owner or operator shall recertify the continuous emission monitoring system according to the procedures in this paragraph . . . Examples of changes which require recertification include: replacement of the analyzer . . ." RAPCA's conversation with Cargill on April 14, 2008 was specifically in reference to the monitors in their current locations, which was understood to match the locations of the monitors in 2006. Given the last minute switching of the primary CO₂ monitors between B004 and B006, the 2008 three-load RATA does not constitute a recertification test as required by PTI 08-04215, the Title V permit and 40 CFR 75.20 (b). RAPCA and Ohio EPA were not notified of this switch until RAPCA's annual facility inspection on April 29, 2008, after the RATAs had been completed. It is Ohio EPA's policy to be on site to witness all certification testing. Relocation of the monitors would have necessitated Ohio EPA's presence during the 2008 testing in order to validate the CEMS data from the monitors in their new locations.

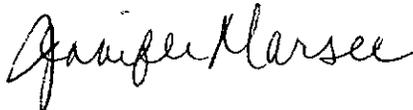
Cargill is hereby notified that, absent valid certification tests for the NO_x CEMS in their current locations, B004 and B006 are operating in violation of PTI 08-04215 and the Title V permit. There has been no valid letter of certification since the 2003 certification testing. In order to resolve this matter, Cargill is required to submit a compliance plan and schedule for B004 and

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B006 which includes certification testing of the primary and secondary NO_x CEMS, and all associated components, in their current locations. Please submit this plan and schedule within 30 days of receipt of this letter. Acceptance of the compliance plan by RAPCA does not constitute a waiver of the Ohio EPA's and RAPCA's authority to seek civil penalties as provided in section 3704.06 and 3707.49 of the Ohio Revised Code. The determination whether to pursue such penalties will be made by the Ohio EPA and RAPCA at a later date.

We appreciate your cooperation and hope to resolve this matter as soon as possible. If you have any questions, please contact Christine Swetz at (937) 496-7541 or Jeff Canan at (937) 225-5934.

Sincerely,



Jennifer Marsee
Supervisor
Abatement Unit

Enclosure

cc: Louis Nichols, USEPA Headquarters
Kevin Vuilleumier, USEPA Region V
Lisa Holscher, USEPA Region V
Tom Kalman, Ohio EPA
Todd Brown, Ohio EPA
John Paul, RAPCA

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MR GREGORY W HOLLER
CARGILL INC
3201 NEEDMORE RD
PO BOX 1400 A
DAYTON, OH 45413-8001

2. Article Number
(Transfer from service label)

7008 1300 0001 9322 4653

PS Form 3811, February 2004

Domestic Return Receipt

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