



REGIONAL AIR POLLUTION CONTROL AGENCY

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

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www.rapca.org

August 4, 2010

Certified Mail

Mr. Gregory W. Holler
AVP-Facility Manager
Cargill, Incorporated
3201 Needmore Road
P.O. Box 1400 A
Dayton, OH 45414

NOTICE OF VIOLATION - HPV (MC-5)

Summary:

On August 2, 2010, the Regional Air Pollution Control Agency (RAPCA) conducted visible emissions observations (VEOs), using U.S. EPA Reference Method 9, during the bake-out cycle of the regenerative thermal oxidizer (RTO) located at Cargill, Incorporated (Cargill), Ohio EPA Facility ID 0857041124, 3201 Needmore Road, Dayton, Ohio. As a result of the VEOs, RAPCA documented violations of state and local air pollution control regulations. Pursuant to these regulations, enforcement orders may be issued in the future to resolve these violations.

Dear Mr. Holler:

On August 2, 2010, a representative of the Regional Air Pollution Control Agency (RAPCA) conducted visible emissions observations (VEOs), using U.S. EPA Reference Method 9, during the bake-out cycle of the regenerative thermal oxidizer (RTO) located at Cargill Incorporated (Cargill), Ohio EPA Facility ID 0857041124, 3201 Needmore Road in Dayton, Ohio. This RTO was recently installed to control emissions units (EUs) P032, P033, P034, P052, P057, P066, P072, and P088. The VEOs performed on the stack outlet serving this RTO documented violations of Ohio Administrative Code (OAC) rule and Montgomery County Combined General Health District Air Pollution Control Regulations (MCCGHDAPCR) section 3745-17-07, Control of visible particulate emissions from stationary sources.

Specifically, OAC rule and MCCGHDAPCR section 3745-17-07(A)(1)(b) state that visible emissions from any stack may exceed 20% opacity, as a six-minute average, for not more than six consecutive minutes in any sixty minutes, but shall not exceed 60% opacity, as a six-minute average, at any time. The VEOs performed by RAPCA on August 2, 2010 resulted in the documentation of three non-overlapping exceedances of the 20% opacity limitation, as a six-

minute average, in a forty minute observation period, including one exceedance of the 60% opacity limitation, as a six-minute average. These exceedances are in violation of OAC rule and MCCGHDAPCR section 3745-17-07 and Ohio Revised Code (ORC) 3704.05.

In order to resolve these violations, RAPCA requires that Cargill submit a compliance plan and schedule to bring the RTO into compliance with OAC rule and MCCGHDAPCR section 3745-17-07. This plan shall include, at a minimum, the measures that have been or will be taken to reduce and/or eliminate visible emissions from the RTO stack during bake-out cycles to meet the opacity limitations provided in OAC rule and MCCGHDAPCR section 3745-17-07. The compliance plan and schedule shall be submitted as soon as possible, but in no event later than fourteen (14) calendar days after receipt of this letter.

Additionally, per the Consent Decree paragraphs 23 and 26 and the appendices H and K, the RTO is required to meet 98% control efficiency for volatile organic compounds (VOC) and 90% control efficiency for carbon monoxide (CO) or achieve a CO concentration of less than or equal to 100 ppm by August 30, 2010. RAPCA issued a letter to Cargill, dated July 23, 2010, expressing concerns regarding emissions from the RTO during the bake-out cycles. In this letter, RAPCA requested that Cargill provide a plan for emissions testing during the bake-out cycle of the RTO. RAPCA also expressed concerns that there are air toxic and particulate emissions present during the bake-out cycles that have not been quantified or addressed and requested that the emissions testing performed during the bake-out cycles include a method to identify and quantify individual compounds.

Due to the concerns expressed in the July 23, 2010 letter to Cargill and the opacity violations documented on August 2, 2010, RAPCA also requires the following:

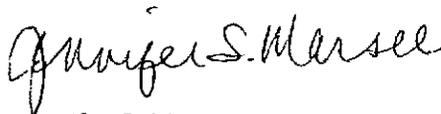
- a. At least 48 hours in advance, notify RAPCA by facsimile of Cargill's plans to conduct a bake-out cycle, allowing a RAPCA representative to be on-site during these periodic cycles.
- b. A written response to the July 23, 2010 letter by no later than August 12, 2010, outlining Cargill's plan for emissions testing during the bake-out cycle. This response shall include a test date of no later than September 30, 2010.
- c. Submittal of weekly progress reports detailing repairs, any changes made to the processes or control system, suggestions from the manufacturer, etc. that Cargill obtains to address the opacity exceedances and/or emissions during the bake-out cycles. These progress reports shall be submitted each Monday, covering the previous week, by e-mail to Jefferis R. Canan at cananjr@rapca.org and Jennifer S. Marsee at marseejs@rapca.org.

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Acceptance of the compliance plan and schedule by RAPCA does not constitute a waiver of the Ohio EPA's and RAPCA's authority to pursue civil penalties as provided in sections 3704.06 and 3707.49 of the Ohio Revised Code. The determination whether or not to pursue such penalties will be made by Ohio EPA and RAPCA at a later date.

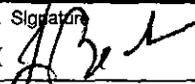
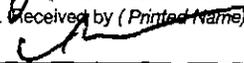
RAPCA believes the opacity exceedances and/or excess emissions produced during the bake-out cycles to be a serious matter and seek your cooperation in resolving this matter expeditiously. If you have any questions concerning this matter, please contact Jefferis R. Canan or me at (937) 225-4435.

Sincerely,



Jennifer S. Marsee
Supervisor, Abatement Unit
Regional Air Pollution Control Agency

Cc:	John Paul	RAPCA
	Jefferis Canan	RAPCA
	Michael Matis	PHDMC
	Lisa Holscher	U.S. EPA
	Cary Secrest	U.S. EPA
	Charlie Garlow	U.S. EPA
	Tom Kalman	Ohio EPA
	Dianne Shawley	U.S. Dept. of Justice

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature <input checked="" type="checkbox"/>  <div style="float: right;"> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee </div>	
1. Article Addressed to: Mr. Gregory W. Holler AVP-Manager Cargill, Inc. PO Box 1400 A Dayton, OH 45414	B. Received by (Printed Name) 	C. Date of Delivery
2. Article Number (Transfer from service label)	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
	3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
	7008 1830 0002 1801 1332	