



State of Ohio Environmental Protection Agency

Northwest District Office

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Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

March 5, 2010

Mr. Mark Miller, Operations Manager
Diehl Food Ingredients
24 Clinton Street
Defiance, Ohio 43512

Re: Resolution to Notice of Violation issued to Diehl Food Ingredients (0320010118)
on September 30, 2009, for emissions units P004 and P005

Dear Mr. Miller:

This letter shall serve to resolve the Notice of Violation (NOV) issued to the above referenced facility on September 30, 2009. During the September 30, 2009, inspection, Ohio EPA's Northwest District Office (NWDO), Division of Air Pollution Control (DAPC) discovered several recordkeeping and reporting violations related to the control equipment for emission units P004, Coulter I non-dairy food product dryer and P005, Coulter I non-dairy food product fluid bed. NWDO, DAPC also expressed concern that the instrumentation for neither the scrubber controlling P004 or the product recovery baghouse for P005 was operating properly.

Ohio EPA received Diehl Food Ingredients (Diehl) response to the NOV on October 16, 2009. The letter stated that the method for recording baghouse and scrubber pressure drops from P004 and P005 will now be done daily (rather than by the job), compiled at the end of the month and filed electronically. Diehl also hired an outside firm to evaluate the parametric monitoring equipment on the control devices for P004 and P005. As a result of this evaluation, P004's scrubber tank and P005's baghouse gauges were replaced to resolve calibration issues and have been put on a preventative maintenance program per manufacturer recommendations.

A review of the facility's 4th quarter deviation report for P004 and P005 demonstrates that the emissions units are now operating in compliance with the parametric monitoring requirements of Permit-to-Install (PTI) 03-9789, issued January 10, 2006

The company has addressed the violations outlined in the notice of violation and is now operating its emissions units in compliance with all issued PTI requirements. Please note, however, that this does not preclude the Director from seeking civil penalties pursuant to ORC section 3704.06 for these violations.

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The decision on whether to pursue or decline to pursue such penalties regarding this matter is dependent on several factors, one of which is the company's future compliance with applicable Ohio EPA requirements.

Should you have any questions or comments regarding this letter, please feel free to contact me at (419) 373-4112 or by e-mail at jennifer.jolliff@epa.state.oh.us.

Sincerely,



Jennifer L. Jolliff
Division of Air Pollution Control

JLJ/lir

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