



Environmental
Protection Agency

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

Re: Williams County
Nettle Creek Turkey Complex
of Cooper Farms
Notice of Violation (NOV/non-HPV)

November 4, 2011

Mr. Phil Sponseller, Manager
Nettle Creek Turkey Complex
12417 County Road A
Bryan, Ohio 43506

Dear Mr. Sponseller:

This letter shall serve as a follow-up to the complaint investigation that I conducted on September 1, 2011 at the Nettle Creek Turkey Complex near Bryan, Ohio. On August 29, 2011, the Ohio Environmental Protection Agency's (Ohio EPA) Division of Air Pollution Control (DAPC) received a complaint regarding the use of an incinerator at the facility that generated a bad smell from burning turkey carcasses. I inspected the Nettle Creek Turkey Complex to investigate the odor complaint and to determine the compliance status of all air contaminant sources operating at the facility with rules and regulations of the Division of Air Pollution Control (DAPC).

Based on our discussion and my observations during the inspection, the findings are as follows:

1. Nettle Creek Turkey Complex operates an incinerator for disposing of turkey carcasses at its facility. The incinerator consists of a primary combustion chamber with no afterburner and is fired with diesel fuel. The incinerator is a Burn Mizer made by Valco.
2. In a typical burn, ten turkey carcasses are charged for a total weight of 250–300 pounds (lb) per charge, and the burn lasts about 3.5 hours (hr). In a normal week, there are two burns totaling about 7 hr/week of burn time. You stated that in the first 30 minutes, the turkey feathers burn, and this may be the cause of the bad smell.
3. The incinerator was installed in 2010 without first obtaining a Permit to Install and Operate (PTIO) in violation of Ohio Administrative Code (OAC) rule 3745-31-02(A) and Ohio Revised Code (ORC) 3704.05.
4. If the facility chooses to continue to operate this source, the facility will need to submit an application for and obtain a PTIO. A blank PTIO application and respective emissions activity category (EAC) forms are enclosed with this letter. Also required are emissions calculations and a process flow diagram to aid the processing of the application.
5. This source meets the definition of an incinerator. If the source continues to be operated in the manner it is now, DAPC will require emissions testing to demonstrate that it can meet the OAC rule 3745-17-09(B) emission limit of 0.10 pounds of particulate emissions per one hundred pounds of refuse charged (0.10 lb/100 lb charged).

Mr. Phil Sponseller, Manager
November 4, 2011
Page 2

However, as it was installed without an afterburner, it is unlikely to be able to meet the 0.10 lb/100 lb charge emission limit. If you decide to discontinue operation of this source, you may wish to contact the Ohio Department of Health for methods and regulations regarding disposal of the turkey carcasses.

Ohio EPA has an Office of Compliance Assistance and Pollution Prevention (OCAPP) that provides assistance to facilities in complying with environmental regulations. They can also assist in compiling the information referenced above. You can find additional information on this office at their website at <http://www.epa.ohio.gov/ocapp> or by calling OCAPP at 1-800-329-7518. The OCAPP representative at this office is Mr. Ron Nabors and can be contacted at (419) 373-3147 or at ron.nabors@epa.ohio.gov.

Ohio EPA requests a written response to this letter, including a plan for bringing the incinerator into compliance with Ohio EPA rules and regulations. This information should be submitted to attention of Ms. Julie Budge (phone 419-373-3132) in this office by **December 9, 2011**. Please note that the submission of information to respond to this letter does not constitute a waiver of Ohio EPA's authority to seek civil penalties pursuant to ORC section 3704.06. The Ohio EPA will make the decision on whether to pursue or decline to pursue such penalties regarding this matter at a later date.

If you have any questions or comments concerning this letter, you can contact me at carol.norman@epa.state.oh.us or by phone at 419.373.3141.

Sincerely,



Carol Norman, PhD, PE
Division of Air Pollution Control

/llr

Enclosure

pc: NWDO DAPC File: Williams County
Tom Kalman, CO DAPC
William MacDowell, US EPA Region 5
Certified Mail Receipt Number 7009 1410 0001 1834 0371

ec: Jennifer Jolliff, NWDO DAPC
Mark Budge, NWDO DAPC
Julie Budge, NWDO DAPC
Carol Norman, NWDO DAPC
Ron Nabors, NWDO OCAPP