



State of Ohio Environmental Protection Agency

Northwest District Office

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

October 22, 2008

Paul Curtis, Chief Operating Officer
Endres Processing Ohio, LLC
13420 Courthouse Blvd.
Rosemount, MN 55068

RE: Notice of Resolution (NOR) for Endres Processing Ohio, LLC (0388010003) to resolve Notices of Violation (NOVs) issued on December 21, 2007 and September 12, 2008.

Dear Mr. Curtis:

On December 21, 2007, Ohio EPA sent Endres Processing Ohio, LLC (Endres) a NOV for unreported malfunctions of the facility's air pollution control equipment that resulted in numerous odor complaints. Endres failed to report malfunctions in accordance with OAC rule 3745-15-06(B) and minimize their duration. In addition, Endres was issued a NOV on September 12, 2008 for exceeding annual emission rates and throughput restrictions for emission unit F001, wheat midd receiving and storage.

Endres' response to the December NOV, received February 26, 2008, addressed the request for a detailed description for how the emissions unit's burner start-up operation takes place and provided justification for bypassing the control equipment during the burner start-up for the driers. Ohio EPA has also had the opportunity to witness the dryer start-up process during the May 2008 inspection and, as a result, has a better understanding of what caused the complaints that were initially generated. The issue with malfunctions has been addressed by being reported within 24 hours of the incident and then followed up with a written report describing the cause for the control equipment going offline and the duration. The Northwest District Office (NWDO) appreciates the company's efforts to report malfunctions in a timely manner, however, please note that the rule states that malfunctions should be reported "immediately" and therefore, this office requests that Endres report malfunctions as soon as possible after they occur so that we are better suited to address any public concerns should they arise. It should be noted that reports of control equipment malfunctions and complaints have declined significantly since the air pollution control equipment was installed.

With regards to F001, a Chapter 31 application to increase the annual fugitive particulate emission rate and throughput was received on March 10, 2008. The application was part of a larger permit to install (PTI) application (03-17410) for all emissions units at the facility. F001 was purposely split from that application. It was processed separately under permit P0103819 which was issued on September 8, 2008.

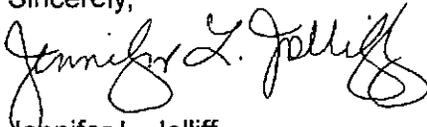
Endres has resubmitted a PTI application for the other units at the facility, therefore, Ohio EPA is returning the application associated with PTI 03-17410 and including it with this letter.

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Based on the information provided by Endres explaining the burner startup process, the procedures now in place for reporting malfunctions and the fact that a PTI modification was issued for F001, we have determined that the compliance plan is acceptable. The actions taken by Endres have corrected the violations cited in the December 21, 2007 and September 12, 2008 letters and the emissions units are now being operated in compliance with the permit requirements. Please note, however, that this does not preclude the Director from seeking civil penalties pursuant to ORC section 3704.06 for these violations. 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 concerning this letter, please feel free to contact me at (419) 373-4112 or electronically at jennifer.jolliff@epa.state.oh.us.

Sincerely,



Jennifer L. Jolliff
Division of Air Pollution Control

JLJ/lb

Enclosure (Application for PTI 03-17410)

pc: Don Waltermeyer, DAPC-NWDO
Tom Kalman, DAPC-CO
John Paulian, DAPC-CO
Lisa Holscher, US, EPA
~~DAPC-NWDO.File~~