



Environmental
Protection Agency

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

Re: Wyandot County
Peavey Co. - Harpster (Gavilon)
03 88 00 0137
Return to Compliance

September 6, 2011

Ms. Beth Pierson, Environmental Manager
Gavilon
11 ConAgra Drive
Omaha, Nebraska 68102

Dear Ms. Pierson:

The Division of Air Pollution Control (DAPC) issued Peavey Co. - Harpster (Gavilon) a Notice of Violation (NOV) dated July 26, 2011, citing the reporting of widespread, systemic deviations from air permit requirements, in this facility's past two annual Permit Evaluation Reports (PERs).

Based on the company's response to the NOV, we have determined that the compliance plan is acceptable. The actions taken by Gavilon have corrected the violations and we believe these emission units are now being operated in compliance with the permit requirements. On a specific item, the agency concurs with the company's position, that the vehicle miles traveled (VMT) issue may not in fact have been an actual permit violation, and we will await the company's results of the September 9 evaluation.

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 the company have any questions and/or comments, I may be reached at (419) 373-3117. I may also be contacted electronically by E-mail at: paul.chad@epa.state.oh.us

Sincerely,

Paul Chad
Division of Air Pollution Control

/llr

ec: Jennifer Jolliff, DAPC NWDO
William MacDowell, US EPA - Region V

pc: Tom Kalman, DAPC CO
DAPC NWDO File