



State of Ohio Environmental Protection Agency

STREET ADDRESS:

Lazarus Government Center
50 W. Town St., Suite 700
Columbus, Ohio 43215

Central District Office

TELE: (614) 728-3778 FAX: (614) 728-3898
www.eoa.state.oh.us

MAILING ADDRESS:

P.O. Box 1049
Columbus, OH 43216-1049

CERTIFIED MAIL 91 7108 2133 3932 4449 5828

January 8, 2010

Mr. Delin Johnson
Cargill Inc. - Bloomingburg
4201 State Route 238 NE
P.O. Box A
Bloomingburg, OH 43106

**Re: Notice of Violation (NOV) based upon initial compliance demonstration required by 40 CFR Part 60, Subpart DD conducted October 26-30, 2009
Facility Premise # 0124000088
Fayette County**

Dear Mr. Johnson:

Ohio EPA, Central District Office (CDO), Division of Air Pollution Control (DAPC), has reviewed the initial compliance demonstration report Cargill Inc. - Bloomingburg (Cargill) submitted on December 7, 2009. The review consisted of an evaluation of fugitive particulate emissions sources at the facility that are subject to the requirements of 40 CFR Part 60, Subpart DD, Standards of Performance for Grain Elevators.

Listed below are "Findings" based upon the information provided in the initial compliance demonstration report. The "Findings" are followed by "Violation(s)" (if applicable) and "Requested Action(s)" necessary to address stated findings and violations.

Finding 1:

The results of the initial compliance demonstration conducted October 26-30, 2009, for operations subject to visible emissions (opacity) limitations established in accordance with 40 CFR Part 60, Subpart DD were reported as follows:

- | | |
|----------------------------|----------|
| a. Rail Receiving | 0% |
| b. Grain Receiving Dump #1 | 5% |
| c. Grain Receiving Dump #2 | 11% |
| d. Rail Loadout | 10% |
| e. Truck Loadout #1 | 11%; and |
| f. Truck Loadout #2 | 7% |

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

Subpart DD establishes opacity limitations of 5 percent for truck unloading stations, railcar unloading stations and railcar loading stations, 0 percent for grain handling operations and 10 percent for truck loading stations. The results indicate that Grain Receiving Dump #1, Rail Loadout and Truck Loadout #1 operations are out of compliance with the opacity limitations in Subpart DD.

CDO has determined that Cargill has not completely satisfied all of the requirements necessary to demonstrate compliance with 40 CFR Part 60, Subpart DD. Specifically, Cargill has not satisfied the initial compliance demonstration requirements required by the subpart for sources of fugitive dust at grain elevators. The subpart requires that the affected facility demonstrate compliance for these sources of fugitive dust in accordance with 40 CFR Part 60.11.

Violation

Failure to demonstrate compliance with the applicable opacity limitations is a violation of 40 CFR Part 60, Subpart DD and the terms and conditions of the federally enforceable permit-to-install and operate (FEPTIO) P0104588. Violation of the terms and conditions of an FEPTIO is also considered a violation of Ohio Revised Code (ORC) 3704.05(C) which states:

"No person who is the holder of a permit issued under division (F) or (G) of section 3704.03 of the Revised Code shall violate any of its terms or conditions."

Requested Action

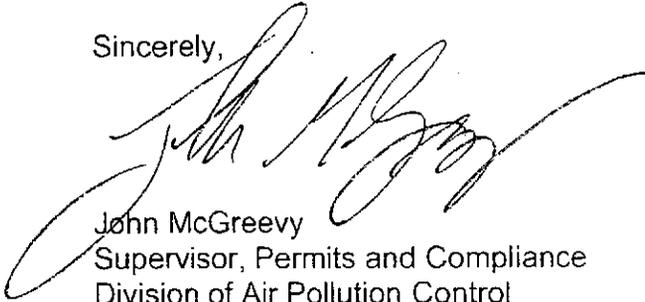
CDO requests that Cargill prepare and submit a detailed compliance plan within 30 days of receipt of this letter. The plan should include a detailed description of how and when the facility intends to demonstrate compliance with the opacity limitations established in accordance with 40 CFR Part 60, Subpart DD. CDO acknowledges that conducting Method 9 evaluations on certain operations at the facility may be difficult due to the impact of nearby structures and environmental factors. Cargill may seek an alternative method to demonstrate compliance in accordance with 40 CFR Part 60.8(b).

Please note that the Ohio EPA has the authority to seek civil penalties as provided in section 3704.06 of the ORC. This letter or information submitted pursuant to this letter does not constitute a waiver of Ohio EPA's authority to seek civil penalties as provided in the ORC. The decision on whether or not to seek such penalties will be made by Ohio EPA at a later date.

Mr. Delin Johnson
Cargill Inc. - Bloomingburg
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If you have any questions, please do not hesitate to contact Benjamin Halton of my staff at (614) 728-3809.

Sincerely,



John McGreevy
Supervisor, Permits and Compliance
Division of Air Pollution Control
Central District Office

ec: John McGreevy, DAPC/CDO

c: Ben Halton, DAPC/CDO
Adam Ward, DAPC/CDO
John Paulian, DAPC/CDO