



State of Ohio Environmental Protection Agency

STREET ADDRESS:

Central District Office

MAILING ADDRESS:

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

TELE: (614) 728-3778 FAX: (614) 728-3896
www.epa.state.oh.us

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

CERTIFIED MAIL # 91 7108 2133 3932 4450 0522

February 10, 2009

Mr. Phil Pearce
Branch Manager
Central Ohio Farmers Co-Op
502 West Gambier Street
Mt. Vernon, OH 43050

Re: Notice of Violation (NOV) based upon complaint investigation at Central Ohio Farmers Co-Op (COF) (Ohio Facility I.D 01 42 01 0176)

Dear Mr. Pearce:

Ohio EPA, Central District Office (CDO), Division of Air Pollution Control (DAPC) appreciates COF's courtesy and cooperation during the November 13, 2008 visit to your facility. The purpose of this letter is to document the results of a complaint investigation and observations made while visiting the facility located at 508 W. Vine Street in Mt. Vernon, Ohio (Facility I.D. 01 42 01 0176). Specific findings, violations and action items are listed below.

1. Finding: Fugitive Dust Complaint and Control Equipment Malfunction

On November 13, 2008, CDO received a complaint that alleged fugitive dust emissions from the COF facility. Upon arrival, CDO personnel noted that the grain oiling system had malfunctioned and ceased to operate while the facility was receiving grain (corn), which resulted in the emission of fugitive dust from the facility.

On December 11, 2008, CDO received a report from COF stating that the pump malfunctioned on November 11, 2008 and was replaced on December 4, 2008. During the time that the pump was malfunctioning 161,000 bushels of corn were loaded into the facility.

PTI 01-12198, the active permit for the facility, requires that the malfunction of any air pollution control system be reported to the appropriate Ohio EPA Central District Office in accordance with paragraph (B) of OAC rule 3745-15-06. COF failed to provide this required malfunction notification.

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

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Violation:

Failure to submit a required malfunction notification is considered a violation of the General Terms and Conditions of PTI 01-12198 and OAC rule 3745-15-06(B). Violations of the terms and conditions of a permit to install are also considered a violation of ORC 3704.05(C) which states (in part):

"No person who is the holder of a permit...shall violate any of its terms or conditions."

Requested Action:

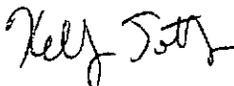
CDO requests that future control equipment malfunctions be reported as required by PTI 01-12198 and OAC rule 3745-15-06(B). A copy the malfunction rule (OAC 3745-15-06) is attached for your convenience.

In addition, CDO requests that COF provide the required malfunction report for the oiling system malfunction in accordance with OAC rule 3745-15-06(B)(1) and the detailed report of how such malfunctions will be prevented or detected in accordance with OAC rule 3745-15-06(B)(3). The requested information should be provided within thirty (30) days of receipt of this letter. CDO considers the notification received on December 11, 2008 fulfillment of the requirement of OAC rule 3745-15-06(B)(2) and no further notification is requested.

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 the Ohio EPA at a later date.

If you have any questions please contact John McGreevy of my staff at (614) 728-3818.

Sincerely,



Kelly Toth
Supervisor, Permits and Compliance
Division of Air Pollution Control
Central District Office

c. David Burroughs, DAPC/CDO
John McGreevy, DAPC/CDO
Adam Ward, DAPC/CDO
John Paulian, DAPC/CDO
Lisa Holscher, U.S. EPA

Attach: OAC rule 3745-15-06