



State of Ohio Environmental Protection Agency

Central District Office

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November 19, 2007

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

RE: Second Notice of Violation (NOV) based upon site inspections at Central Ohio Farmers Co-Op (Ohio Facility I.D.'s 01 42 01 0176 and 01 42 01 0177)

Preliminary completeness determination for Permit-to-Install applications 01-12197 and 01-12198

Dear Mr. Pearce:

The purpose of this letter is to follow up on the first NOV sent on January 11, 2007, and document the results of follow-up complaint investigations and observations made while visiting the Central Ohio Farmers Co-Op facilities located at 508 W. Vine Street in Mt. Vernon, Ohio (Facility I.D. 01 42 01 0176) and 9150 Kinney Road in Mt. Vernon, Ohio (Facility I.D. 01 42 01 0177). Specific findings, violations and action items are listed below.

1. **Finding:** Public nuisance (Vine Street Facility)

CDO informed Central Ohio Farmers Co-Op that the Vine St. facility may be causing a public nuisance in a Notice of Violation sent on January 11, 2007. This letter went on to request that Central Ohio Farmer's Co-Op "operate the facility in such a manner as to not cause a public nuisance." A copy of this letter is included as an attachment.

On February 21, 2007, CDO received a certified letter sent on behalf of Central Ohio Farmers Co-Op that indicated that equipment for control of fugitive dust during loading and unloading was operational and employed on a "continual basis". This letter fails to address fugitive dust emissions from the grain dryer, which is the largest source of fugitive dust emissions

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

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at the facility. A copy of this letter is included as an attachment. CDO personnel spoke to Mr. Phil Pearce (Central Ohio Farmers Co-Op Branch Manager) and pointed out problem areas resulting in the emissions of fugitive dust during recent phone conversations and complaint investigations.

CDO has probable cause to believe that emissions of fugitive grain dust from drying operations at Central Ohio Farmers Co-Op are a public nuisance and in violation of Ohio Administrative Code (OAC) rule 3745-15-07. This finding is based on the number and frequency of current and historical citizen complaints, and complaint investigations by Ohio EPA personnel.

Violation:

Causing or maintaining a public nuisance is a violation of OAC rule 3745-15-07. Violation of OAC rule 3745-15-07 is also a violation of Ohio Revised Code (ORC) §3704.05(A), which states (in part):

"No person shall cause, permit, or allow emission of an air contaminant in violation of any rule adopted by the director of environmental protection under division (E) of section 3704.03 of the Revised Code..."

Action Item:

Sources that CDO has probable cause to believe are in violation of OAC rule 3745-15-07 may be required to "...submit and implement a control program which will bring the fugitive dust source into compliance with the requirements of paragraph (B) of this rule [OAC rule 3745-17-08] as expeditiously as practicable".

CDO requests that Central Ohio Farmers Co-Op submit and implement a control program for fugitive dust sources at this facility in order to prevent conditions that result in citizen complaints. This control program should include controlling fugitive dust emissions from the grain dryer.

Please submit a copy of this control program within fourteen (14) days of the receipt of this letter and implement this control program as soon as practicable, but no later than twenty-one (21) days from the receipt of this letter.

2. **Finding:** Air pollution control devices (Vine St. Facility)

CDO is concerned that malfunctions of air pollution control devices may be contributing to emissions of fugitive dust. CDO personnel inspected this facility on November 21, 2006, March 31, 2007, September 25, 2007, October 4, 2007, October 22, 2007 and October 30, 2007, in response to complaints about emissions of fugitive dust.

After the November 21, 2006 complaint investigation, CDO sent a Notice of Violation letter to Central Ohio Farmers Co-Op on January 11, 2007. This letter outlined several issues, including problems with fugitive dust control equipment.

On February 21, 2007, CDO received a letter on behalf of Central Ohio Farmers Co-Op that stated that all problems with dust control equipment have been resolved, and that the control equipment is being "*...operated on a continual basis to control fugitive emissions.*" Further, the letter stated that the facility had appointed a Grain Operations Supervisor.

CDO personnel inspected the facility on March 21, 2007. During this inspection, CDO noted that fugitive dust control equipment was not repaired. Further, when CDO personnel asked to speak with the grain operations supervisor, facility personnel did not know who the grain operations supervisor was.

During subsequent complaint investigations, emissions of fugitive dust remained an issue. Equipment used to control air pollution were either damaged or not operating. Examples include the grain oiling system (inoperable on March 21 and October 4, 2007) and the filter bags on the air filter inside the unloading enclosure (observed to be damaged on September 25, October 4, 2007 and October 30, 2007). On March 21, 2007, October 22, 2007 and October 30, 2007, CDO personnel observed that grain unloading was occurring without the doors to the load-in building being closed.

CDO requests that all air pollution control devices be operated in such a manner to eliminate emissions of fugitive dust which result in citizen complaints, and that Central Ohio Farmers Co-Op report any air pollution control device malfunctions as required by OAC rule 3745-15-06(B)(1).

CDO requests that Central Ohio Farmers Co-Op perform all necessary repairs to emissions control equipment within seven (7) days of receipt of this letter or submit an explanation of why repairs cannot be made within this time period within seven (7) days of receipt of this letter and include a date by which all repairs will be made to fugitive dust control equipment.

3. **Finding:** Permit to install violations (Vine St. and Kinney Rd. Facilities)

The installation of new sources of air pollutants like creating a grain storage pile requires a permit to install (PTI). Modifications to emissions units, including the addition of new sources of air pollutants like new rail loading arms, require a PTI. OAC rule 3745-31-02(A)(1) requires that *"no person shall cause, permit, or allow the installation of a new source of air pollutants or cause, permit, or allow the modification of an air contaminant source without first obtaining a permit-to-install from the director."*

CDO has requested that Central Ohio Farmers Co-Op submit PTI applications for the new grain storage pile installed at the Kinney Rd. Facility. This storage pile has been in use since 2006 without Central Ohio Farmers Co-Op obtaining a permit to install for this air emissions source.

CDO has requested that Central Ohio Farmers Co-Op submit new PTI applications for the Vine St. facility. The January 11, 2007 letter from CDO to Central Ohio Farmers Co-Op requested updated PTI applications for emissions units at the facility. This request was reiterated on September 25 and October 4, 2007 during complaint investigations. Copies of PTI applications were provided as attachments to the January 11, 2007 letter and in an e-mail from CDO to Central Ohio Farmers Co-Op personnel sent on September 28, 2007.

Violation:

Failing to submit a PTI application to install or modify an air emissions unit is a violation of OAC rule 3745-31-02(A)(1) and Ohio Revised Code (ORC) §3704.05(A).

Action Item:

CDO received PTI applications from Central Ohio Farmers Co-Op on November 2, 2007. These applications included emissions units from both the Vine St. and Kinney Rd. facilities. Applications submitted for the Vine St. facility include the following operations:

Grain receiving, handling, and shipping (includes calculations and emissions activity category [EAC] form)

Grain Drying (includes calculations and EAC form)

Facility roadways and parking lots (includes calculations and EAC form)

CDO has determined that this application is not complete and cannot be processed at this time. The EAC form for fuel burning operations is incomplete. The application also omits the fertilizer blending plant EAC form (included with this correspondence) and emissions calculations. Also one piece of control equipment is mentioned in the application (baghouse), but CDO is aware of a 3-sided enclosure, cyclone, and grain oiling system installed at the facility. Please provide this information in an updated permit application as soon as possible, but no later than twenty-one (21) days from the receipt of this letter.

At this time, CDO is also requesting an updated permit to operate (PTO) application for the grain dryer that includes a control program which will bring the fugitive dust from this emission unit into compliance with the requirements of paragraph (B) of OAC rule 3745-17-08. Please submit this application and control plan no later than twenty-one (21) days from the receipt of this letter.

Applications for the Kinney Rd. facility include PTI applications for a grain storage pile and facility roadways and parking lots (including calculations and EAC forms). CDO has determined that this application is complete; therefore we can begin the technical review phase.

Please note that submittal of complete and approvable PTI and PTO applications will resolve ongoing violations of OAC rule 3745-31-02. CDO appreciates this positive step in moving these facilities towards compliance with applicable air pollution regulations.

Additional Information:

CDO noted on the October 4, 2007 complaint investigation that chokes had been added to the load-out arms on the east and west sides of the facility.

CDO noted on the October 22, 2007 complaint investigation that the grain dryer was operating and grain dust was observed in the air and settling on nearby houses, automobiles and streets.

CDO noted on the October 30, 2007 complaint investigation that the grain dryer was operating and grain dust was observed in the air and settling on nearby houses, businesses, automobiles and streets.

Attached to this letter are photographs typical of the conditions created when the grain dryer is in operation.

The full text of Ohio air regulations can be found at the following internet address: <http://codes.ohio.gov/oac/3745>. The specific rules cited in previous sections will be included as attachments to this letter.

Summary of requested actions:

1. CDO requests that Central Ohio Farmers Co-Op submit a fugitive grain dust emissions control program for grain load-in and load-out, and the grain dryer the Vine Street facility within fourteen (14) days of the receipt of this letter and implement this control program as soon as practicable, but no later than twenty-one (21) days from the receipt of this letter.
2. CDO requests that all air pollution control devices be operated in such a manner to eliminate emissions of fugitive dust resulting in citizen complaints.
3. CDO requests that Central Ohio Farmers Co-Op report any air pollution control device malfunctions as required by OAC rule 3745-15-06(B)(1)
4. CDO requests that Central Ohio Farmers Co-Op perform all necessary repairs to the baghouse and cyclone at the Vine St. facility within seven (7) days of receipt of this letter or submit an explanation of why repairs cannot be made within this time period within seven (7) days of receipt of this letter and include a date by which all repairs will be made to fugitive dust control equipment.

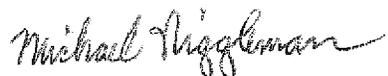
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5. In Progress: CDO requests that Central Ohio Farmers Co-Op submit complete PTI and PTO applications for the emissions units at the Vine St. facility within twenty-one (21) of receipt of this letter.

If Central Ohio Farmers Co-Op fails to submit the requested documents or perform the requested actions within the time frame set forth in this second Notice of Violation, CDO may initiate further enforcement action. 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 or need assistance in completing permit applications or emissions calculations, please contact John McGreevy of my staff at (614) 728-3818.

Sincerely,



Mike Riggleman
Supervisor, Permits and Compliance
Division of Air Pollution Control
Central District Office

c: Richard Fowler, DAPC/CDO
John McGreevy, DAPC/CDO
Adam Ward, DAPC/CDO
John Paulian, DAPC/CO

Attachments: Photographs

January 11, 2007 letter from CDO to Central Ohio Farmers Co-Op
OAC and ORC rules
EAC form for fertilizer mixing and blending

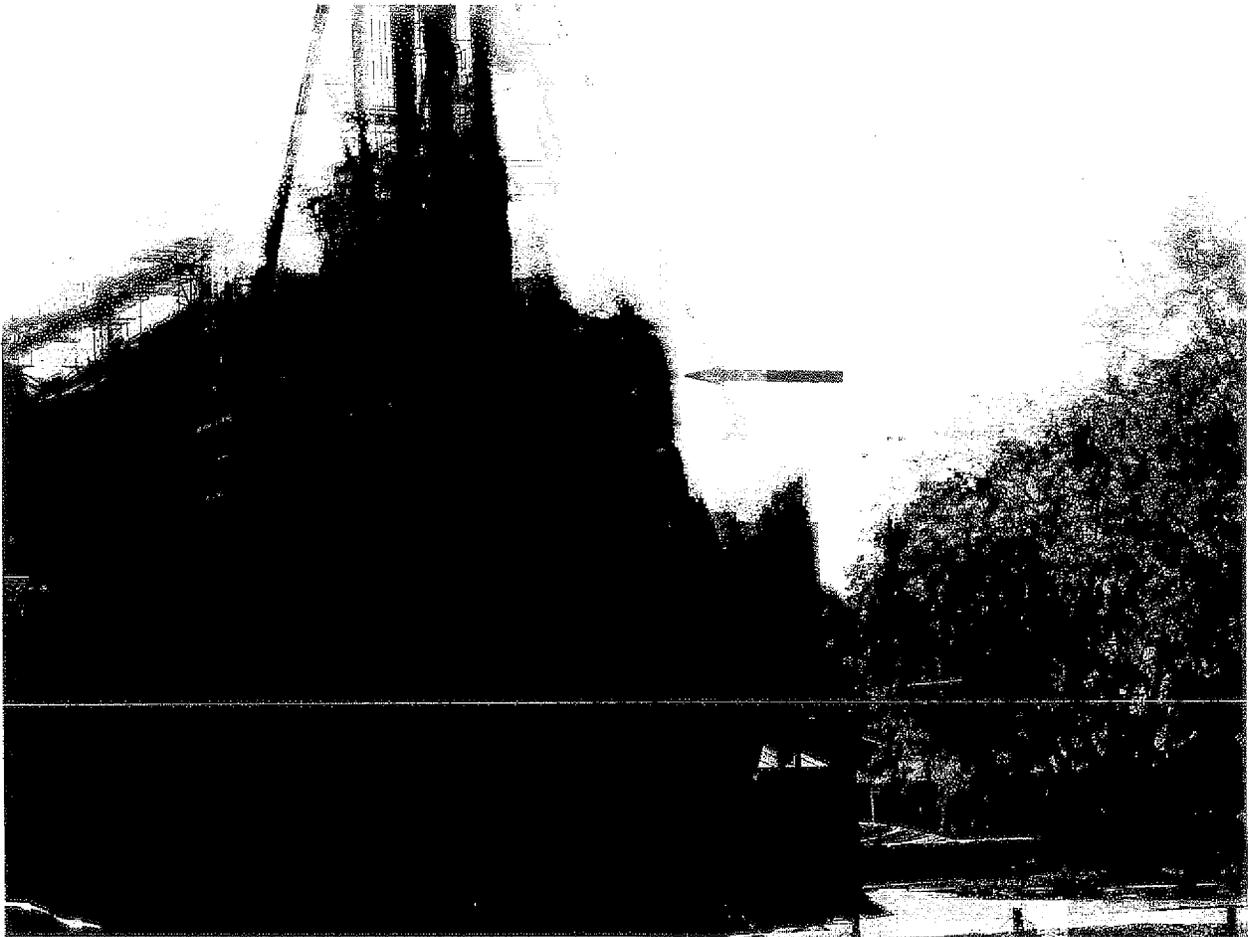


Photograph 1: Grain dust on an automobile at a nearby business (JAM 10/30/2007)



Photograph 2: Grain dust on automobile on the street (JAM 10/30/2007)

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Photograph 3: Facility view, note emissions surrounding the upper portion of the facility are emanating from the grain dryer vents (indicated with an arrow). (JAM 10/30/2007)