

CITY OF TOLEDO



DEPARTMENT OF PUBLIC UTILITIES

12/9/2009

Certified Mail

Stacy Schmidt
The Andersons, Inc
P.O. Box 119
Maumee, OH 43537

Re: NOTICE OF VIOLATION

Dear Stacy Schmidt:

Enclosed, please find a "Notice of Violation" for The Andersons River Elevator, Ohio EPA Source No. 0448010495 F004 "Shiploading Spouts #1- #7". Please review this document carefully as some action, including a written response, is required on your part.

If you have any questions, please E-mail me at brad.faggionato@epa.state.oh.us or phone me at 419-936-3963.

Sincerely,

A handwritten signature in cursive script that reads "Brad Faggionato".

Brad Faggionato
Toledo Department of Environmental Services

Cc: Timothy Murphy, Commissioner, Environmental Services
Karen Granata, P.E., Chief of Air Resources
Joyce Anagnos, Senior Attorney, City of Toledo
John Paulian, Central Office, Ohio EPA
Lisa Holscher, U.S. EPA Region V



Timothy D. Murphy, Commissioner
DIVISION OF ENVIRONMENTAL SERVICES
Quilter Environmental Center
348 South Erie Street, Toledo, Ohio 43604-8633 USA
Telephone: 419-936-3015 Fax: 419-936-3959 E-mail: tim.murphy@toledo.oh.gov

Notice of Violation

December 9, 2009

The City of Toledo Division of Environmental Services hereby serves notice that:

The Andersons River Elevator
440 Kuhlmand Drive
Toledo, OH 43609

has violated the following environmental laws, orders, rules, or regulations on the indicated dates at the above address.

Dates of Violation

December 8, 2009

Regulation(s) Violated

OAC rule 3745-15-06(B)

Description of Source(s) and Violation(s)

In the event than any emission source breaks down in such a manner as to cause the emission of air contaminants in violation of any applicable law, the person responsible for such equipment shall immediately notify the Ohio environmental protection agency district office of such failure and breakdown. The Toledo Division of Environmental Services was not notified of these violations.

OAC rule 3745-17-07(B)(1)

Visible particulate emissions from any fugitive dust source shall not exceed 20% opacity, as a 3-minute average. Visible emission were observed between 22% and 77%, as a 3-minute average on December 8, 2009.

40 CFR 52.1870(c)(77)

The permittee has committed to the following to ensure compliance during the loading of non-specialty grain: (i) visble particulate emissions of fugitive dust from the shiploading spouts shall not exceed 20% opacity, and (iii) the control for this emissions unit shall be an oil spray system. This system shall be used during the entire process of shiploading (except for specialty grain), which includes topping off the holds. The permittee failed to control dust emissions with the oil spray system during the loading of non-specialty grain.

The above violation may subject the violator to penalties of up to \$25,000 per violation. It is possible that a penalty may be assessed in this case. If a penalty is assessed, the amount will be determined after your response is reviewed.

Required Actions

Within two weeks of receipt of this letter, you shall:

1. Abate the violation or provide for an acceptable remedy.
2. Reply in writing to this Notice of Violation. The reply shall include:
 - a. Description(s) and date(s) of action(s) taken thus far to abate the violation(s).
 - b. Description(s) and expeditious time schedule of action(s) yet to be taken to remedy the violation(s).
 - c. Description of action(s) taken or to be taken to prevent recurrence of the violation(s).

Please submit to this office a plan and schedule for achieving compliance. Submit this plan to the attention of Brad Faggionato.

Acceptance by the Ohio EPA of a compliance plan and schedule does not constitute a waiver of the Ohio EPA's authority to seek civil penalties as provided in Section 3704.06 of the Revised Code. The determination to pursue or to decline to pursue such penalties in this case will be made by the Ohio EPA at a later date.