



**Environmental
Protection Agency**

John R. Kasich, **Governor**

Mary Taylor, **Lt. Governor**

Scott J. Nally, **Director**

Re: Wyandot County
Peavey Company (Harpster)
03 88 00 0137
Notice of Violation/Return to
Compliance (non-HPV)

March 7, 2011

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

Dear Ms. Pierson:

The past three annual Permit Evaluation Reports (PERs) for the Harpster grain facility, for calendar years 2009, 2010, and 2011, document numerous significant deviations from air permit requirements. The letter dated August 25, 2011, and the 2011 PER dated February 14, 2012, document steps that the company has taken to resolve the violations. The emissions sources, deviations and corrections as specified in the 2011 PER are:

1. Permit P0104065 issued on February 9, 2009, for sources F003 and P901, item number C.1.e)(1) requires the company to submit an annual PER by February 15, 2011. The PER was submitted late on May 13, 2011. This deviation was identified in last year's notice of violation letter dated July 26, 2011.
2. Permit P0104001 issued on November 21, 2008, for sources F002, F004, and F005, item number C.1.e)(1) requires the company to submit an annual PER by February 15, 2011. The PER was submitted late on May 13, 2011. This deviation was identified last year's notice of violation letter dated July 26, 2011.
3. Permit P0104120 issued on December 1, 2008, for source F006, item number C.1.e)(1) requires the company to submit an annual PER by February 15, 2011. The PER was submitted late on May 13, 2011. This deviation was identified last year's notice of violation letter dated July 26, 2011. ⁱⁿ
4. Permit P0104001 issued on November 21, 2008, then modified with permit P0108661, Section C.2.d), for source F004, required the facility to perform daily checks for visible fugitive emissions. The manager was unable to document that the daily checks were performed from January 1, 2011, through March 28, 2011. The company has noted that new recordkeeping systems were developed and training was conducted for facility personnel.

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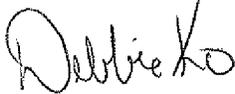
5. Permit P0104001 issued on November 21, 2008, then modified with permit P0108833, Section C.2.d)(1), for source F005, required the facility to perform daily checks for visible fugitive emissions. The manager was unable to document that the daily checks were performed from January 1, 2011, through March 28, 2011. The company has noted that new recordkeeping systems were developed and training was conducted for facility personnel.
6. Permit P0104001 issued on November 21, 2008, then modified with permit P0108833, Section C.2.d)(3), for source F005, required the facility to maintain records on a quarterly basis documenting the total number of days control measures were implemented and the total number of days when snow or ice cover or precipitation were sufficient to not require the control measures. From January 1, 2011, through September 1, 2011, recordkeeping at the facility did not include this information. The forms were revised but the information was not totaled until after January 31, 2012. The company has noted that the recordkeeping forms were modified on September 1, 2011, and February 14, 2012.
7. Permit P0104063 issued on February 9, 2009, then modified with permit P0104576, for Source P901, Section C.2.c)(2) required the facility to treat all grain processed through the transferring/conveying and cleaning operations with mineral oil. From January 1, 2011, through August 24, 2011, the mineral oil application system was not functional. The company has reported that the mineral oil application system has been repaired.
8. Permit P0104063 issued on February 9, 2009, then modified with permit P0104576, Source P901, Section C.2.d)(2) required the facility to maintain daily records of the amount of grain processed that was not treated with mineral oil. From January 1, 2011, through August 24, 2011, the mineral oil application system was not functional and these records were not maintained. The company has reported new recordkeeping systems have been developed and facility personnel have been trained.
9. Permit P0104063 issued on February 9, 2009, then modified with permit P0104576, Source P901, Section C.2.d)(3) required the facility to perform daily visible emissions checks when the unit was in operation. The facility manager was unable to verify that the daily checks were conducted during grain loading operations prior to March 28, 2011. The facility reports that new recordkeeping systems have been developed and personnel have been trained.

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The violations noted in the 2011 PER letter have been resolved. 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 you have any questions or comments concerning this letter, please feel free to contact me at the above referenced address, by email at debbie.ko@epa.state.oh.us or call (419) 373-3106.

Sincerely,



Debbie Ko
Division of Air Pollution Control

/llr

pc: Tom Kalman, DAPC CO
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