



**Environmental  
Protection Agency**

John R. Kasich, **Governor**  
Mary Taylor, **Lt. Governor**  
Scott J. Nally, **Director**

Re: Paulding County  
Trupointe Cooperative  
PTIO P0087435 (03 63 00 0133)  
**Notice of Violation (non-HPV)**

April 10, 2012

**CERTIFIED MAIL**

Mr. Keith Martin, Safety and Risk Coordinator  
Trupointe Cooperative  
P. O. Box 360  
Wapakoneta, Ohio 45895

Dear Mr. Martin:

In the annual Permit Evaluation Report (PER) for the Payne grain facility for calendar year 2011, the company reports seemingly widespread, systemic deviations from air permit requirements. The emissions sources and deviations as specified in the 2011 PER are:

Permit P0087435 issued April 23, 2009:

1. Emissions Unit ID: F001 Company Equipment ID: Grain Receiving via Truck: No documentation or records verifying the performance of daily visible emissions checks (for grain receiving);
2. Emissions Unit ID: F002 Company Equipment ID: Grain Loading into Trucks: Exceedance of allowable annual grain throughput (and associated particulate emissions limit exceedance); no documentation or records verifying the performance of daily visible emissions checks (for grain load-out to trucks);
3. Emissions Unit ID: F003 Company Equipment ID: Grain Loading/Rail: No documentation or records verifying the performance of daily visible emissions checks (for grain load-out to railcars);
4. Emissions Unit ID: F005 Company Equipment ID: Roadways: No documentation or records verifying the performance of daily fugitive dust inspections, and second page header...
5. The 2011 PER itself was submitted after the due date. Additionally, further discussion indicates that the 2010 PER, which showed 'no deviations' reported, was apparently an error for that report.

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All these deviations from the permit requirements collectively, are excessive and are determined to be out of compliance with the terms and conditions of the permit identified above. Failure to comply with the issued permit is a violation of Ohio Revised Code (ORC) 3704.05. It should be noted that the permit requires essentially a management program for fugitive dust emissions. In these types of operations, having a day-to-day attentiveness to the administration of the program is critical to the effectiveness of minimizing the fugitive dust.

The company is required to respond to these issues, and submit a plan to return to compliance. The 2011 PER indicates that the company has already got started on the proper implementation of the required monitoring and recordkeeping as of March 7. The company is required to submit a formal response by April 30, 2012.

The 2011 PER also indicated that emissions unit F002 (Grain Loading into Trucks) need a higher allowable annual throughput, than the current one in the permit of 5250 tons. The company will need to apply for a permit modification to allow for this. This should also be submitted by the April 30 date.

Please be advised that the submission of information to respond to this letter does not constitute waiver of Ohio EPA's authority to seek civil penalties pursuant to ORC 3704.06. The Ohio EPA will make a decision on whether to pursue or decline to pursue such penalties regarding this matter at a later date.

Should the company have any questions and/or comments, I may be reached at (419) 373-3117. I may also be contacted electronically by E-mail at: paul.chad@epa.state.oh.us

Sincerely,



Paul Chad  
Division of Air Pollution Control

/cg

ec: Jennifer Jolliff, DAPC NWDO  
Paul Chad, DAPC NWDO  
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pc: Tom Kalman, DAPC CO  
William MacDowell, US EPA - Region V