



REGIONAL AIR POLLUTION CONTROL AGENCY

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November 29, 2012

Certified Mail

Mr. Gregory W. Holler
AVP-Facility Manager
Cargill, Incorporated
3201 Needmore Road
P.O. Box 1400 A
Dayton, OH 45414

NOTICE OF VIOLATION - HPV (MC-5)

Summary:

On October 9 and November 1, 2012, visible emissions observations (VEOs), were conducted on the main stack during bake-out cycles of the regenerative thermal oxidizer (RTO) located at Cargill, Incorporated (Cargill), Ohio EPA Facility ID 0857041124, 3201 Needmore Road, Dayton, Ohio. As a result of the VEOs recorded, RAPCA is citing visible emissions violations of state and local air pollution control regulations. Pursuant to these regulations, enforcement orders may be issued in the future to resolve these violations.

Dear Mr. Holler:

Pursuant to Paragraph III.B. of the Dispute Resolution Agreement between the United States of America, the State of Ohio, the Ohio County of Montgomery and Cargill, Incorporated effective April 15, 2011 (the "Agreement"), "RAPCA and the State of Ohio shall not take any action seeking administrative, legal or equitable remedies whatsoever against Cargill regarding the visible emission opacity that occurs during the bake-out of the RTO servicing emissions sources P032, P033, P034, P052, P057, P072 and P088 until either Cargill completes its obligations under Paragraph II.E. or this Agreement is terminated under Paragraph IV.C.2, whichever occurs first".

On July 17, 2012, Cargill successfully demonstrated a bake-out of the RTO, documented visible emission observations (VEOs) on the main stack outlet serving this RTO, and subsequently submitted the Bake-out Opacity Compliance Demonstration Report on July 31, 2012, whereby completing its obligations under Paragraph II.E. Following this demonstration and pursuant to Paragraph III.A. of the Agreement, on August 10, 2012, RAPCA issued a Rescission of the Notice of Violation dated August 4, 2010.

On August 2, 2012, Cargill proposed dates for the next three bake-outs of the RTO – 8/22/2012, 9/12/2012 and 10/02/2012. Cargill was unable to perform the scheduled bake-out on August 22, 2012, as planned due to a limit switch on a ductwork diversion valve not reading when the valve changed position from “open” to “closed”. Due to combustion safety and environmental interlocks, the failure of the switch to accurately read the valve position prevented the bake-out from proceeding. Cargill was unable to perform the next RTO bake-out attempted on September 11, 2012, as planned due to the diverter valve again not being accurately read when it changed positions.

The next scheduled bake-out occurred on October 9, 2012. A representative of Cargill conducted VEOs on the main stack outlet serving this RTO, using U.S. EPA Reference Method 9, during the bake-out cycle of the RTO. The VEOs reported to RAPCA documented violations of Ohio Administrative Code (OAC) rule and Montgomery County Combined General Health District Air Pollution Control Regulations (MCCGHDAPCR) section 3745-17-07, Control of visible particulate emissions from stationary sources. In addition these VEOs are in violation of the Main Stack VE limit established in Cargill’s Title V Operating Permit P0092763 and Permit to Install (PTI) P0109473.

OAC rule and MCCGHDAPCR section 3745-17-07(A)(1)(b) state that visible emissions from any stack may exceed 20% opacity, as a six-minute average, for not more than six consecutive minutes in any sixty minutes, but shall not exceed 60% opacity, as a six-minute average, at any time. The VEOs performed by Cargill on October 9, 2012, resulted in the documentation of five non-overlapping exceedances of the 20% opacity limitation, as a six-minute average, in a fifty-two minute observation period. These exceedances are in violation of OAC rule and MCCGHDAPCR section 3745-17-07 and Ohio Revised Code (ORC) 3704.05.

The Title V Operating Permit P0092763 issued on June 20, 2003 for various emissions units and the Main Stack, and Permit to Install (PTI) P0109473 issued on March 13, 2012 for B004 and the Main Stack states “Visible PE shall not exceed 10% opacity, as a six minute average.” The VEOs performed by Cargill on October 9, 2012, resulted in the documentation of six non-overlapping exceedances of the 10% opacity limitation, as a six-minute average, in a fifty-two minute observation period. These exceedances are in violation of Cargill’s Title V Operating Permit, PTI P0109473 and ORC 3704.05.

The next scheduled bake-out occurred on November 1, 2012. A representative of RAPCA conducted VEOs, using U.S. EPA Reference Method 9, during the bake-out cycle of the RTO. The VEOs performed by RAPCA on November 1, 2012, resulted in the documentation of seven non-overlapping exceedances of the 20% opacity limitation, as a six-minute average, in a fifty-six minute observation period. These exceedances are in violation of OAC rule and MCCGHDAPCR section 3745-17-07 and Ohio Revised Code (ORC) 3704.05. The VEOs on November 1, 2012, also resulted in eight non-overlapping exceedances of the 10% opacity limitation, as a six-minute average, in a fifty-six minute observation period. These exceedances are in violation of Cargill’s Title V Operating Permit, PTI P0109473 and ORC 3704.05.

Additionally, RAPCA noted two inconsistencies with facility operations as specified in Cargill's Proposed Engineering Modification to RTO System letter and plan dated November 10 and 21, 2011 ("Cargill's Proposal") submitted in accordance with the Agreement. First, on October 26, 2012, while RAPCA was on site to witness the scheduled RTO compliance test, Cargill attempted to conduct the test while operating the RTO at a lower temperature of 1600 degrees Fahrenheit (previous RTO temperature 1650° F). When Cargill opened a fresh air damper, the overall pressure of the duct system changed, which allowed emissions to escape at various points throughout the ductwork, including the stack which is part of the germ dryer system, in essence bypassing the RTO. In accordance with Cargill's Proposal, when the germ dryer system is in operation, as it was on the day of the testing, emissions are to be vented and controlled by the RTO. Second, RAPCA noted during the November 1, 2012 bake-out of the RTO that visible emissions were exiting from the RTO stack during the bake-out. In accordance with Cargill's Proposal, all emissions from the RTO are to be vented to Emissions Unit B009 for additional control during bake-outs and therefore, there should never be VEs exiting the RTO stack during a bake-out. RAPCA is concerned that under certain operating conditions similar to those that occurred on October 26 and November 1, 2012, that the emissions are not being properly captured and controlled, which is inconsistent with Cargill's Proposal.

In order to resolve these opacity limit violations, RAPCA requires Cargill to submit a compliance plan and schedule to ensure VEs from the RTO bake-out are brought into compliance with OAC rule and MCGHDAPCR section 3745-17-07, as well as, with the 10% VE limits in Cargill's permits. In addition, RAPCA requires Cargill's plan to address how the emissions capture and control issues noted above, that occur under certain operating conditions, will be corrected to ensure consistency with Cargill's Proposal. The compliance plan and schedule shall be submitted as soon as possible, but in no event later than fourteen (14) calendar days after receipt of this letter.

Additionally, per the Agreement, Section II. F. "Within 120 days of Cargill's successful demonstration that the visible emission opacity that occurs during the bake-out of the RTO complies with OAC rule and MCGHDAPCR Section 3745-17-07 and ORC 3704.05, Cargill shall demonstrate that emissions units P032, P033, P034, P052, P072 and P088 fully comply with all applicable provisions of the Consent Decree and shall submit new and/or revised permit applications reflecting new proposed emissions limits for all emissions units in their final configuration." It is RAPCA's belief that due to the ongoing excessive VEOs recorded during the RTO bake-outs cited above, that Cargill has not demonstrated the visible emission opacity that occurs during the bake-out of the RTO complies with OAC rule and MCGHDAPCR Section 3745-17-07 and ORC 3704.05. Cargill conducted testing on November 14, 2012, and measured VOC outlet concentration only and did not demonstrate that the RTO controls VOC emissions with a 98% destruction efficiency (DE) due to the fact that there was no inlet sampling. RAPCA believes that Cargill must demonstrate 98% control of the VOC emissions in the current configuration using the method defined in Appendix M of the consent decree (CD) due to the reconfiguration of ductwork and the additional emissions units now being controlled by the RTO.

Cargill Incorporated

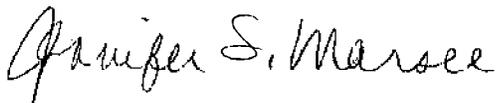
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Acceptance of the compliance plan and schedule by RAPCA does not constitute a waiver of the Ohio EPA's and RAPCA's authority to pursue civil penalties as provided in sections 3704.06 and 3707.49 of the Ohio Revised Code. The determination whether or not to pursue such penalties will be made by Ohio EPA and RAPCA at a later date.

RAPCA believes the continued opacity exceedances and/or excess emissions produced during the bake-out cycles to be a serious matter and seeks your cooperation in resolving this matter expeditiously. If you have any questions concerning this matter, please contact Jefferis R. Canan or me at (937) 225-4435.

Sincerely,



Jennifer S. Marsee
Supervisor, Abatement Unit
Regional Air Pollution Control Agency

Cc: John Paul	RAPCA
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