

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter of:

**Central Soya Company, Inc.
751 East Farming Street
Marion, Ohio 43302**

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:
:

**Director's Final
Findings and Orders**

OHIO E.P.A.
MAY 15 2003
ENTERED DIRECTOR'S JOURNAL

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Central Soya Company, Inc. ("Respondent"), pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") §§ 3704.03 and 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law. No change in ownership of the facility shall in any way alter Respondent's obligations under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 3704 and the rules promulgated thereunder.

IV. FINDINGS

All of the findings necessary for the issuance of these Orders pursuant to ORC §§ 3704.03 and 3745.01 have been made and are outlined below. Nothing in the findings shall be considered to be an admission by Respondent of any matter of law or fact. The Director of Ohio EPA has determined the following findings:

1. Respondent is a soybean oil extraction company with a location in Marion, Ohio. At the Marion facility, the processes include receiving grains (soybeans and corn), drying grains, removing soybean hulls, extracting soybean oil, soybean meal grinding, and shipping of the final products (soybean oil, soybean meal and dried corn). The facility is located at 751 East Farming Street, Marion, Ohio (facility identification # 03-51-01-0002).

2. Respondent operates a hexane extraction unit and cyclone (P039) for the removal of oil from soybeans, and a soybean meal cooler and cyclone (P046).

3. Respondent is a PSD major facility. In order to avoid a major modification under PSD, Respondent applied for, and was issued, a synthetic minor PTI # 03-8866 for source P039 on March 20, 1996. A review of the Respondent's records, subsequent to the March 7, 2001 inspection, revealed that Respondent exceeded the synthetic minor restriction that had been established in PTI number 03-8866 and ORC § 3704.05(C). Specifically, Respondent exceeded its limit of 0.000671 pound of hexane per pound of crushed soybean (0.24 gallon hexane / ton crushed soybean), based on a 365-day rolling average, beginning on March 10, 2000, with an actual maximum rate of 0.00682 pound of hexane / pound of crushed soybean. Respondent returned to compliance with the hexane emission limit on 6 August 2001. The limit was exceeded again on October 3, 4, 6, 7, 8, 9, 10, and 11, 2001. Respondent has been in compliance with the hexane emission limit on a 365-day rolling average, since October 12, 2001. Also, Respondent exceeded its limit of 392 tons of hexane consumed (140,000 gallons) per rolling 12-month period, beginning on May 16, 2000, with a rate of 394 tons. The highest rate of 452 tons occurred on December 27, 2000 and December 28, 2000. Respondent returned to compliance with the annual consumption limit for hexane on May 15, 2001.

4. On March 16, 2001, Respondent was issued a notice of violation (NOV) addressing the exceedances of the PTI limits. The NOV requested Respondent to submit a written response by April 20, 2001. The response was to include a compliance schedule to address the PTI exceedances outlined in Finding 3 above.

5. The requested response was received by NWDO on April 26, 2001. Respondent's response indicated that in April 2001, during a facility shutdown, Respondent modified screens on the extractor and made repairs to the desolventizer to help with drainage and reduce hexane emissions. Additionally, in a planned August shutdown Respondent planned to replace the mineral oil absorber, which was expected to reduce hexane losses. These changes were designed to restore Respondent's ability to reclaim solvent from the soybean meal and to comply with its permit limits.

6. The Title V permit issued to Respondent on June 6, 2001 contained a requirement to test both emissions units P039 and P046 to determine particulate emission rates within six (6) months of issuance. By letter dated December 12, 2001, Respondent informed NWDO that it had not tested emissions units P039 and P046. The letter indicated that during preparations for conducting the tests, Respondent had discovered cyclonic flows in the stacks for these emissions units and had determined that a plant-wide shutdown was necessary to correct the problems. Respondent proposed a timetable to correct the problem and conduct the tests in May 2002. Failure to perform the stack tests specified in a Title V permit is a violation of ORC § 3704.05(C) and (J)(2).

7. Respondent's submittal of its fourth quarter 2001 report indicated that Respondent had exceeded its 0.000671 pound of hexane / pound of soybean - 365-day rolling average limit on seven days during that quarter. The report further stated that process repairs made during the previous 12-month period enabled Respondent to return to compliance with this 365-day rolling average limit by October 11, 2001. According to the report, changes made by Respondent included changes to the mineral oil system that

reduced the amount of hexane lost, and repairs made to the inside of the Desolventizer Toaster that improved the ability to reclaim solvent from the soybean meal. Additionally, modifications were made to the extractor screens that helped the drainage of solvent and further reduce the hexane loss rate. As a result of the repairs and modifications, Respondent has been in compliance with the rolling average limit since October 11, 2001.

8. By Director's warning letter dated February 4, 2002, Respondent's failure to conduct the tests was documented, and Ohio EPA informed Respondent that the schedule it had proposed to correct the violation was acceptable to the Agency.

9. Respondent was issued another NOV on February 5, 2002 for violations of the 0.000671 pound hexane / pound of crushed soybean limit on seven (7) days during the fourth quarter of 2001. The NOV requested a response from Respondent by February 20, 2002, to include a compliance plan and schedule to correct the violations. Respondent responded by letter dated February 19, 2002, outlining the process repairs and improvements that had been made during the previous 12 months that had corrected the violations and brought Respondent back into compliance with the 365-day rolling average limit.

10. On May 1, 2002, Respondent was issued an NOV for lack of pressure drop record keeping during the third and fourth quarter of 2001, and the first quarter of 2002. During the third and fourth quarters of 2001, and the first quarter of 2002, Respondent maintained only a portion of the required weekly pressure drop records for emissions units B004, P012, P015, P019, P025, P027, P036, P901, P902 and P093. Failure to maintain pressure drop records is a violation of Title V permit terms and conditions and ORC § 3704.05(C).

11. Respondent's Title V permit requires that all baghouses operate between a range of 0.5 to 8 inches of water. On February 16, 2002, February 20, 2002, February 27, 2002, March 6, 2002, March 13, 2002, March 20, 2002, and March 27, 2002, Readings taken were out of range for P019. Readings taken for P903 on January 2, 2002, were also out of range. Failure to operate baghouses between the range specified in a Title V permit is a violation of the terms and conditions of the Title V permit and ORC § 3704.05(C) and (J)(2).

12. The Title V permit also requires that Respondent maintain daily records of visible emissions for emissions units P006, P015, P036, P039, P046, P047, and P904. Respondent maintained only a portion of these records from July 1, 2001 until December 31, 2001. Failure to maintain daily records of visible emissions as required by a Title V permit, is a violation of the terms and conditions of the Title V permit and ORC § 3704.05(C) and (J)(2).

13. NWDO requested that Respondent submit a written response to the NOV, to include a compliance plan and schedule to correct the violations, by May 16, 2002. Respondent submitted a response to the NOV on May 15, 2002 indicating that it made the necessary corrections to their record keeping procedures to ensure compliance with all

terms and conditions of its Title V permit.

14. The Director has given consideration to, and based his determination on, evidence relating to the technical feasibility and economic reasonableness of complying with the following Orders and their benefits to the people of the State to be derived from such compliance.

V. ORDERS

The Director hereby issues the following Orders:

1. Respondent shall comply with all the terms and conditions of PTI # 03-8866 and the Title V permit, and the requirements of ORC Chapter 3704.

2. Respondent shall pay the amount of thirty-nine thousand five hundred and fifty dollars (\$39,550) in settlement of Ohio EPA's claim for civil penalties which may be assessed pursuant to ORC Chapter 3704. Within fourteen (14) days from the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of thirty-one thousand six hundred and forty dollars (\$31,640) of the total penalty amount. Payment shall be made to Brenda Case by certified check made payable to "Treasurer, State of Ohio" and sent to the following address:

Fiscal Administration
Ohio Environmental Protection Agency
P.O. Box 1049
Columbus, OH 43216-1049

A copy of the check shall be sent to Jim Orlemann at the following address:

Division of Air Pollution Control
Ohio Environmental Protection Agency
P.O. Box 1049
Columbus, OH 43216-1049

The remaining seven thousand nine hundred and ten dollars (\$7,910) shall be paid to fund a supplemental environmentally beneficial project. Specifically, within thirty (30) days after the effective date of these Orders, Respondent shall deliver an official check in this amount and made payable to the Ohio Department of Natural Resources, Division of Forestry, State Forest Fund for the purpose of funding urban area tree-planting projects in Ohio. This check shall specify that such monies are to be deposited into Fund No. 509. The check shall be sent to John Dorka, Deputy Chief, or his successor, at the following address:

Division of Forestry
Ohio Department of Natural Resources

1855 Fountain Square Court, H-1
Columbus, Ohio 43224-1327

A copy of the check shall be sent to Jim Orlemann at the following address:

Division of Air Pollution Control
Ohio Environmental Protection Agency
P.O. Box 1049
Columbus, OH 43216-1049

VI. TERMINATION

Respondent's obligations under these Orders shall terminate upon Ohio EPA's, and the Ohio Department of Natural Resources' receipt of the official checks required by Section V of these Orders.

VII. OTHER CLAIMS

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to the operation of Respondent's Facility.

VIII. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent's facility.

IX. NOTICE

All documents required by these Orders, unless otherwise specified in writing, shall be submitted to:

Division of Air Pollution Control
Northwest District Office
347 North Dunbridge Road
Bowling Green, Ohio 43402
Attn: Don Waltermeyer

and to:

Ohio Environmental Protection Agency
Division of Air Pollution Control
P.O. Box 1049
Columbus, OH 43216-1049
Attn: Thomas Kalman

X. MODIFICATIONS

These Orders may be modified by agreement of the parties. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

XI. RESERVATION OF RIGHTS

Ohio EPA and Respondent each reserve all rights, privileges and causes of action, except as specifically waived in Section XII of these Orders.

XII. WAIVER

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the violations specifically cited herein.

Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders, and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

XIII. EFFECTIVE DATE

The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

XIV. SIGNATORY AUTHORITY

Each undersigned representative of a party to these Orders certifies that she or he is fully authorized to enter into these Orders and to legally bind such party to this document.

IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency

Christopher Jones
Christopher Jones
Director

5-13-03
Date

IT IS SO AGREED:

Central Soya Company, Inc.

William B. Campbell
Signature

May 5, 2003
Date

William B. Campbell
Printed or Typed Name

Group V.P.
Title