



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director

April 22, 2015

CERTIFIED MAIL

Thomas Norden
Grelton Elevator, Inc.
P.O. Box 23002
6944 County Road M
Grelton, Ohio 43523

Re: Final Findings and Orders for violations of
air pollution control regulations.

and

Darwin Beck
Ridgeville Elevator, Inc.
108 S. Fayette Street
Fayette, Ohio 43521

Dear Mr. Norden and Beck:

Transmitted herewith are the Final Findings and Orders ("Orders") of the Director of Ohio EPA concerning the above-referenced matter.

Please note that the effective date of the Orders is the date that the Orders were entered into the Ohio EPA Director's journal, which is the date that is stamped on the first page of the Orders.

Sincerely,



James Kavalec, Manager
Compliance/Enforcement Section
Division of Air Pollution Control

xc: James Lee, PIC
Carol Butler, Fiscal Office
Donald Vanterpool/Drew Bergman, Legal Office
Muhammad Mereb, DAPC

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

OHIO E.P.A.
APR 22 2015

ENTERED DIRECTOR'S JOURNAL

In the Matter of:

Grelton Elevator, Inc.
6944 County Road M
Grelton, Ohio 43523

Ridgeville Elevator, Inc. – Ridgeville Corners:
20903 US Route 6
Ridgeville Corners, Ohio 43555

and,

Ridgeville Elevator, Inc. – Elery
726 County Road J
Malinta, Ohio 43535

Director's Final Findings
and Orders

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

By: Jonny Lassiter Date: 4-22-15

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Grelton Elevator, Inc. and Ridgeville Elevator, Inc., ("Respondents") 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 Respondents and successors in interest liable under Ohio law. No change in ownership of Respondents or of the facilities (as hereinafter defined) shall in any way alter Respondents 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

The Director of Ohio EPA makes the following findings:

1. "Restricted area," is defined in Ohio Administrative Code ("OAC") Rule 3745-19-01(M) and means, in part, the area within the boundary of any municipal corporation

established in accordance with Title 7 of the Ohio Revised Code, plus a zone extending one thousand feet beyond the boundaries of any such municipal corporation having a population of one thousand to ten thousand persons and a zone extending one mile beyond any such municipal corporation having a population of ten thousand persons or more according to the latest federal census. An "unrestricted area" is defined by OAC Rule 3745-19-01(N) as any area that does not meet the above definition.

2. "Residential waste" as defined in OAC Rule 3745-19-01(L) means any waste material, including landscape waste, generated on the property of a one-, two-, or three-family residence as a result of residential activities, but not including garbage, rubber, grease, asphalt, liquid petroleum products, or plastics.

3. OAC Rule 3745-19-04(A) prohibits a person or property owner from causing or allowing open burning in a restricted area except as provided in paragraphs (B) to (D) of this rule or in ORC § 3704.11.

4. OAC Rule 3745-31-02(A)(1)(c) requires any owner or operator of an air contaminant source that is not required to obtain a Title V permit under OAC Chapter 3745-77 to apply for and obtain a permit to install and operate ("PTIO") prior to operating any air contaminant source, except as otherwise provided by rule or law.

5. ORC § 3704.05(G) states, in part, that no person shall violate any rule of the Director adopted under ORC Chapter 3704. The rules in OAC Chapter 3745-19 were adopted by the Director under ORC Chapter 3704.

6. Grelton Elevator, Inc. ("Respondent Grelton"), owns and operates the grain elevator facility ("Grelton facility") located at 6944 County Road M, in Grelton, Ohio (Henry County); while Ridgeville Elevator, Inc. ("Respondent Ridgeville"), owns and operates the following grain elevator facilities: ("Ridgeville Corners facility") located at 20903 US Route 6, in Ridgeville Corners, Ohio (Henry County), and ("Elery facility") located at 726 County Road J, in Malinta, Ohio (Henry County).

Grelton Elevator, Inc. Facility

7. On July 26, 2013, representatives from Ohio EPA Northwest District Office ("NWDO") observed illegal open burning being conducted at the Grelton facility. The burning pile included used oil filters. During a follow-up inspection conducted on July 29, 2013, NWDO observed burned brush, pallets, plastic products, cardboard, and used oil filters, in the burn pile. The facility is located in unrestricted area as defined by OAC Rule 3745-19-01(N). Respondent Grelton was in violation OAC Rule 3745-19-04(A) and ORC § 3704.05(G) for conducting prohibited open burning. By letter dated August 6, 2013, Ohio EPA sent a notice of violation ("NOV") letter to Respondent Grelton for the open burning violation.

8. On August 20, 2013, NWDO re-inspected the Grelton facility to evaluate its compliance status with Ohio EPA's air pollution regulations. It was determined that several emissions units at the facility had been installed and operated prior to applying for and obtaining PTIO, in violation of OAC Rule 3745-31-02(A)(1)(c). The following table shows the emissions units and their installation dates:

Emissions Unit ID	Description	Installation Date
F001	Grain receiving, transferring and conveying	03/01/1972
F002	2,000 Bushel per hour column grain dryer	06/01/1998
F003	2,500 Bushel per hour column grain dryer	06/01/2010
F004	Grain layout	03/01/1972
F005	Fertilizer operation	01/01/1968
F006	Unpaved roadways and parking areas	01/01/1968

9. On August 27, 2013, NWDO sent a NOV letter to Respondent Grelton for the violation of OAC Rule 3745-31-02(A)(1)(c) and ORC § 3704.05(G).

10. On September 25, 2013, NWDO received the PTIO applications for the emissions units at the Grelton facility. PTIO # P0115493 was issued for emissions unit F006 on October 17, 2013. PTIO # P0115484 was issued for emissions units F001-F005 on November 7, 2013.

Ridgeville Elevator, Inc. – Ridgeville Corners Facility

11. On October 17, 2014, NWDO inspected the Ridgeville Corners facility to evaluate the compliance status of the emissions units located at the facility with Ohio EPA's air pollution regulations. It was determined that several emissions units at the facility has been installed and operated prior to applying for and obtaining PTIOs, in violation of OAC Rule 3745-31-02(A)(1)(c) and ORC § 3704.05(G).. The following table shows the emissions units and their installation dates:

Emissions Unit ID	Description	Installation Date
F001	Unpaved roadways and parking areas	03/01/1966
F002	Grain receiving, transferring and conveying	03/01/1966
F003	2,500 Bushel per hour column grain dryer	03/01/1997
F004	1,200 Bushel per hour column grain dryer	03/01/1995
F005	Grain loading	03/01/2004
F006	Dry fertilizer operation	03/01/1978

12. On October 27, 2014, NWDO sent a NOV letter to Respondent Ridgeville for the violation of OAC Rule 3745-31-02(A)(1)(c) and ORC § 3704.05(G). Respondent Ridgeville's response to the NOV was received on November 25, 2014.

13. On December 11, 2014, NWDO received the PTIO applications for the emissions units at the facility. PTIO # P0118186 was issued for emissions unit F001 on December 18, 2014. PTIO # P0118191 is to be issued for emissions units F002-F006, pending additional information from Respondent Ridgeville.

Ridgeville Elevator, Inc. – Elery Facility

14. On October 17, 2014, NWDO inspected the Elery facility to evaluate the compliance status of the emissions units located at the facility with Ohio EPA's air pollution regulations. It was determined that several emissions units at the facility has been installed and operated prior to applying for and obtaining PTIOs, in violation of OAC Rule 3745-31-02(A)(1)(c) and ORC § 3704.05(G). The following table shows the emissions units and their installation dates:

Emissions Unit ID	Description	Installation Date
F001	Unpaved roadways and parking areas	03/01/1969
F002	Grain receiving, transferring and conveying	03/01/1969
F003	1,200 SuperB column grain dryer	03/01/1999
F004	1,000 SuperB column grain dryer	03/01/1999
F005	Grain loading	03/01/1969

15. On October 27, 2014, NWDO sent a NOV letter to Respondent Ridgeville for the violation of OAC Rule 3745-31-02(A)(1)(c) and ORC § 3704.05(G). Respondent Ridgeville's response to the NOV was received on November 25, 2014.

16. On December 10, 2014, NWDO received the PTIO applications for the emissions units at the facility. PTIO # P0118162 was issued for emissions unit F001 on December 18, 2014. PTIO # P0118169 was issued for emissions units F002-F005 on January 15, 2015.

17. 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 relation to benefits to the people of the State to be derived from such compliance.

V. ORDERS

The Director hereby issues the following Orders:

1. Respondents shall pay the amount of eleven thousand and two hundred dollars (\$11,200) in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3704. Within thirty (30) days after the effective date of these Orders, payment to Ohio EPA shall be made by an official check made payable to "Treasurer, State of Ohio" for eight thousand nine hundred and sixty dollars (\$8,960) of the total amount

(split to Funds 6960 and 6A10). The official check shall be submitted to Carol Butler, or her successor, together with a letter identifying Respondents, to:

Ohio EPA
Office of Fiscal Administration
P.O. Box 1049
Columbus, Ohio 43216-1049

2. In lieu of paying the remaining two thousand two hundred and forty dollars (\$2,240) of the civil penalty, Respondents shall, within thirty (30) days of the effective date of these Orders, fund a Supplemental Environmental Project ("SEP") by making a contribution in the amount of \$2,240 to the Ohio EPA's Clean Diesel School Bus Program Fund (Fund 5CD0). Respondents shall tender an official check made payable to "Treasurer, State of Ohio" for \$2,240. The official check shall be submitted to Carol Butler, or her successor, together with a letter identifying Respondents and Fund 5CD0, to the above-stated address.

3. Should Respondents fail to fund the SEP within the required time frame set forth in Order 2, Respondents shall immediately pay to Ohio EPA \$2,240 of the civil penalty in accordance with the procedures in Order 1.

VI. TERMINATION

Respondents' obligations under these Orders shall terminate upon Ohio EPA's 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, operations by Respondents.

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 Respondents.

IX. MODIFICATIONS

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

Director's Final Findings and Orders
Grelton Elevator, Inc., and Ridgeville Elevator, Inc.
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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 he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

ORDERED AND AGREED:


Ohio Environmental Protection Agency


Craig W. Butler
Director

4-20-15
Date

AGREED:


Grelton Elevator, Inc.


Signature

3-19-15
Date

Thomas Norden
Printed or Typed Name

Ridgeville Elevator, Inc.


Signature

3-19-15
Date

DARWIN F. BEEK
Printed or Typed Name

RAE
Title