

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)

ADM, Countrymark, Inc.)
1301 Miami Street)
Toledo, Ohio 43605)

NOTICE OF VIOLATION

EPA-5-01-OH-25

Proceedings Pursuant to)
Section 113 of the Clean Air Act,)
42 U.S.C. § 7413)

Notice of Violation

The Administrator of the United States Environmental Protection Agency (U.S. EPA) is issuing this Notice of Violation under Section 113(a) (1) of the Clean Air Act (the Act), 42 U.S.C. § 7413(a) (1). U.S. EPA finds that ADM Countrymark, Inc. (Countrymark), at 1301 Miami Street, Toledo, Ohio (the Toledo facility), violated the Ohio State Implementation Plan (SIP) and the Act as follows:

Statutory and Regulatory Background

1. Section 110 of the Act, 42 U.S.C. § 7410, requires each State to adopt and submit a plan which provides for the implementation, maintenance, and enforcement of any national primary or secondary standard established pursuant to Section 109 of the Act, 42 U.S.C. § 7409. These plans are required to include enforceable emission limitations, control measures, schedules for compliance, and permit programs for new sources.
2. Section 110(n) (1) of the Act, 42 U.S.C. § 7410(n) (1), provides that any provision of any applicable implementation plan that was approved or promulgated by the Administrator pursuant to Section 110, as in effect prior to November 15, 1990, shall remain in effect as part of such applicable implementation plan.
3. Pursuant to Section 110 of the Act, 42 U.S.C. § 7410, the Administrator approved Ohio Administrative Code (OAC) Chapter 3745-35 as part of the federally enforceable SIP on June 10, 1982 (47 Fed. Reg. 25144). The approval became effective on July 12, 1982. This includes OAC 3745-35-02 which requires a Permit To Operate (PTO).

4. OAC 3745-35-02 provides that no person may cause, permit, or allow the operation or other use of any air contaminant source without applying for and obtaining a PTO from the Ohio Environmental Protection Agency in accordance with the requirements of this rule.

Factual Background

5. At the Toledo facility, Countrymark operates a grain terminal that handles and stores corn, soybeans, and wheat. The grain is then shipped to its destination either by rail, truck, or ship.
6. Countrymark owns and operates Plant Roadways & Parking Areas with Control (F001). Countrymark had a PTO until April 11, 1997, and did not renew the PTO. Countrymark does not have a current PTO for this unit.
7. Countrymark owns and operates 8 Shiploading Spouts - South Dock (F002). Countrymark had a PTO until September 1, 1997, and did not renew the PTO. Countrymark does not have a current PTO for this unit.
8. Countrymark owns and operates a Rail/Truck Loadout (F005). Countrymark had a PTO until September 15, 1997, and did not renew the PTO. Countrymark does not have a current PTO for this unit.
9. Countrymark owns and operates a Column Grain Dryer (F007). Countrymark had a PTO until September 16, 1996, and did not renew the PTO. Countrymark does not have a current PTO for this unit.
10. Countrymark owns and operates a Ship Loadout (P004). Countrymark had a PTO until April 1988, and did not renew the PTO. Countrymark does not have a current PTO for this unit.
11. Countrymark owns and operates a Truck Dump with a Fabric Filter (P901). Countrymark had a PTO until September 15, 1997, and did not renew the PTO. Countrymark does not have a current PTO for this unit.
12. Countrymark owns and operates a Truck Dump with a Fabric Filter (P902). Countrymark had a PTO until September 15, 1997, and did not renew the PTO. Countrymark does not have a current PTO for this unit.
13. Countrymark owns and operates a Truck Dump with a Fabric Filter (P903). Countrymark had a PTO until December 17, 1995, and did not renew the PTO. Countrymark does not have a current PTO for this unit.
14. Countrymark owns and operates a Rail Dump & Loadout with a Fabric Filter (P904). Countrymark had a PTO until December 17, 1995, and did not renew the PTO. Countrymark does not have a current PTO for this unit.

15. Countrymark owns and operates a Ship Loadout (P905). Countrymark had a PTO until December 17, 1995, and did not renew the PTO. Countrymark does not have a current PTO for this unit.

Findings of Violation

16. As detailed above, Countrymark operated and continues to operate the above-enumerated sources at the Toledo terminal, without a Permit To Operate in violation of OAC 3745-35-02 and Section 110 of the Act, 42 U.S.C. § 7410.

8/31/2001
Date


Bharat Mathur, Director
Air and Radiation Division

CERTIFICATE OF MAILING

Re: Notice of Violation at ADM Countrymark, Inc., Toledo, Ohio

I, Betty Williams, do hereby certify that a Notice of Violation Pursuant to the Clean Air Act were sent by Certified Mail, Return Receipt Requested, to:

Michelle Bubblitz,
ADM Countrymark, Inc.
P.O. Box 1470
Decatur, Illinois 62525

I, Betty Williams, certify that a copy of the Notice of Violation Pursuant to the Clean Air Act was sent by First Class Mail to:

Robert Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency
1600 Watermark Drive
P.O. Box 1049
Columbus, Ohio 43216-1049

Karen Granata, Administrator
City of Toledo
Division of Environmental Services
348 South Erie Street
Toledo, Ohio 43602

on the 4th day of September, 2001.


Betty Williams, Secretary
AECAS - IL/IN

CERTIFIED MAIL RECEIPT NUMBER: 70993400 0000 9597 7430