

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

Corn Plus
Winnebago, Minnesota

Proceedings Pursuant to
Section 113(a)(1) of the
Clean Air Act, 42 U.S.C.
§ 7413(a)(1)

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) **NOTICE OF VIOLATION**
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) **EPA-5-01-MN-06**
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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, 42 U.S.C. § 7413(a)(1). U.S. EPA finds that Corn Plus is violating the Minnesota State Implementation Plan (SIP), as follows:

Statutory and Regulatory Background

1. On May 24, 1995, U.S. EPA approved Chapter 7011 of the Minnesota State Rules as part of the federally enforceable SIP for Minnesota. 60 Fed. Reg. 27411. These rules include Part 7011.1005, which establishes limits for bulk agriculture commodity facilities.
2. Minnesota SIP Rule 7011.1005, subpart 3(D), of the Minnesota State Rules states in pertinent part, "For a facility where control is required under this section, no owner, operator, or other person who conducts activities at the facility may allow a discharge of particulate matter from control equipment that ... exhibits greater than ten percent opacity...."

FACTUAL BACKGROUND

3. Corn Plus owns and operates an ethanol production facility at 711 6th Avenue SE, Winnebago, Faribault County, Minnesota (facility), which is subject to Minnesota SIP Rule 7011.1005.
4. On September 26, 2000, the Minnesota Pollution Control Agency issued a permit to Corn Plus for emissions from its facility. Among other conditions, in accordance with the Minnesota SIP Rule 7011.1005, the permit limited the gluten dryer

4. On September 26, 2000, the Minnesota Pollution Control Agency issued a permit to Corn Plus for emissions from its facility. Among other conditions, in accordance with the Minnesota SIP Rule 7011.1005, the permit limited the gluten dryer stack to an emission of 10% opacity measured on a six-minute average.

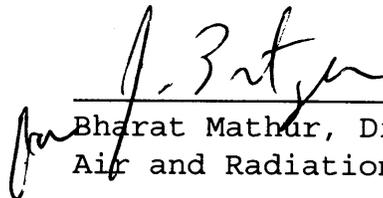
5. On September 25, 2000, U.S. EPA performed opacity readings on the gluten dryer stack's visual emissions in accordance with 40 C.F.R. Part 60, Appendix A, Method 9, during which the certified smoke observer documented 26 minutes of opacity readings, including four six-minute averages. Each of the four six-minute average readings indicated that the gluten dryer stack's plume had an opacity exceeding the 10% limit in Corn Plus' permit and in the Minnesota SIP.

Violations

6. The opacity exceedances observed on September 25, 2000, at Corn Plus' facility constitute violations of Minnesota SIP Rule 7011.1005.

12/29/00

Date


Bharat Mathur, Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Notice of Violation, No. EPA-5-01-MN-06, by Certified Mail, Return Receipt Requested, to:

Keith Kor, Plant Manager
Corn Plus
711 6th Avenue
Winnebago, Minnesota 56098

I also certify that I sent copies of the Notice of Violation by first class mail to:

Ann Foss, Enforcement Manager
Minnesota Pollution Control Agency
520 Lafayette Road N.
St. Paul, Minnesota 55155-4194

on the 29th day of December, 2000.


Loretta Shaffer, Secretary
AECAS, (OH/MN)

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