



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

FEB 12 2015

REPLY TO THE ATTENTION OF:

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Richard L. Dickenson  
Director, Environmental Services  
Tate & Lyle Ingredients Americas LLC  
2200 East Eldorado Street  
Decatur, Illinois 62525

Re: Administrative Consent Order EPA-5-15-113(a)-IL-8

Dear Mr. Dickenson:

Enclosed is an Administrative Consent Order for the Tate & Lyle Ingredients Americas LLC facility located at 2200 East Eldorado Street in Decatur, Illinois.

Please direct any questions regarding this case to Michael Berman, Associate Regional Counsel, 312-886-6837.

Sincerely,

A handwritten signature in black ink, appearing to read "Nathan A. Frank".

Nathan A. Frank, P.E.  
Air Enforcement and Compliance Assurance Branch,  
(IL/IN)

Enclosure

cc: Michael Berman/C-14J  
Eric Jones/Illinois Environmental Protection Agency

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

In the Matter of:	)	EPA-5-15-113(a)-IL-8
	)	
Tate & Lyle Ingredients Americas LLC	)	Proceeding Under Sections 113(a)(1)
Decatur, Illinois	)	of the Clean Air Act, 42 U.S.C.
	)	§ 7413(a)(1)
	)	

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Administrative Consent Order

1. The Director of the Air and Radiation Division, U.S. Environmental Protection Agency (EPA), Region 5, is issuing this Order to Tate & Lyle Ingredients Americas LLC (Tate & Lyle), under Section 113(a)(1) of the Clean Air Act (CAA), 42 U.S.C. § 7413(a)(1).

Statutory and Regulatory Background

Illinois Environmental Protection Agency (Illinois EPA) Construction Permits

2. Under 40 C.F.R. § 52.23, any permit limitation or condition contained within a permit issued under an EPA-approved program that is incorporated in a State Implementation Plan (SIP), is a requirement of the SIP, and is federally enforceable under Section 113, 42 U.S.C. § 7413.

3. EPA promulgated approval of 35 Illinois Administrative Code (IAC) Part 201, "Permits and General Conditions," as part of the federally enforceable SIP for the State of Illinois on May 31, 1972. See 37 Fed. Reg. 10862. Since then, EPA has approved several revisions of 35 IAC Part 201 into the federally enforceable SIP.

Findings

4. Tate & Lyle is a corporation that does business in Illinois.
5. Tate & Lyle is a "person" as that term is defined in Section 302(e) of the Act, 42 U.S.C. § 7602(e).

6. At all times relevant to this Order, Tate & Lyle owned and operated emissions units at the Facility.

7. A Soda Ash Neutralization System, was constructed at the Decatur Plant in August 1988 and began operation in November 1988. It is identified as Emission Unit 111-14.

#### 2004 Construction Permit

8. In 2004, Tate & Lyle applied for a construction permit to install a new venturi and packed column scrubber system (Venturi Scrubber System).

9. The Illinois EPA issued a Construction Permit for a Venturi Scrubber System, Application No.: 04050013 (2004 Construction Permit), to the Facility (listed as A. E. Staley Manufacturing Company) on September 22, 2004.

10. The Venturi Scrubber System, emission unit 111-14, was installed in or around 2004 and replaced the existing packed tower scrubber and catenary grid scrubber (Emission Units 111-14A and 111-14B).

11. The 2004 Construction Permit replaced Emission Units 111-14A and 111-14B from the Title V Permit with Emission Unit 111-14.

12. Condition 6.a of the 2004 Construction Permit states the volatile organic material (VOM) emissions from Emission Unit 111-14 shall not exceed 3.0 lbs/hr or 14 tons/yr.

13. The 2004 Construction Permit includes language on page seven, which states that the Permittee is allowed to operate the affected units under the construction permit until the Title V Permit is next reissued.

#### 2012 Construction Permit

14. In 2011, Tate & Lyle applied for a construction permit to install additional emission units and air pollution control equipment as part of the "VICO Reliability Project."

The new air pollution control equipment included a wet electrostatic precipitator (WESP) following the existing Venturi Scrubber System at Emission Unit 111-14.

15. The Illinois EPA issued a Construction Permit for the VICO Reliability Project, Application No. 11100012 (2012 Construction Permit), to the Facility on March 29, 2012.

16. The WESP was installed at the Facility in late 2012.

17. Condition 6.a of the 2012 Construction Permit states that the VOM emissions from the Soda Ash Neutralization System (Emission Unit 111-14) shall not exceed 2.4 lbs/hr and 17.2 tons/yr.

18. Condition 14 of the 2012 Construction Permit states that the Permittee is allowed to operate the affected processes under the permit until the Title V Permit for the source is reissued.

19. In August 2013, Tate & Lyle conducted a stack test at Emission Unit 111-14 for VOM using Method 18 (2013 Performance Test).

20. The 2013 Performance Test identified an average emission rate for VOM of 3.54 lbs/hr.

21. Tate & Lyle violated Condition 6.a of the 2004 Construction Permit VOM emission rate of 3.0 lbs/hr at times that may have extended from 2004 to March 28, 2012.

22. Tate & Lyle violated Condition 6.a of the 2012 Construction Permit VOM emission rate of 2.4 lbs/hr at times that may have extended from March 29, 2012 through 2014.

#### **Compliance Program**

23. Within 60 days of the effective date of this Order, Tate & Lyle must apply for a modification of the 2012 Construction Permit from the Illinois EPA requesting a modification to the VOM emission limits at Emission Unit 111-14 and Emission Unit 111-20. Tate & Lyle shall

request new and separate hourly and annual VOM emission limits at Emission Unit 111-14 and Emission Unit 111-20. Compliance with these limits will be established independently at each emission unit. The revised hourly VOM emission limits and compliance test protocols for Emission Unit 111-14 and Emission Unit 111-20 shall be approved by Illinois EPA and the combined annual emissions from the two units shall not exceed 30.3 tons/yr.

24. Within 14 calendar days following submittal of the permit application to Illinois EPA, Tate & Lyle must send a copy of the permit application to EPA.

25. Within 14 calendar days after the receipt of the final permit from Illinois EPA, Tate & Lyle must send a copy of the permit to EPA.

26. Tate & Lyle must send all reports required by this Order to:

Attention: Compliance Tracker (AE-17J)  
Air Enforcement and Compliance Assurance Branch  
U.S. Environmental Protection Agency, Region 5  
77 W. Jackson Boulevard  
Chicago, Illinois 60604

#### **General Provisions**

27. This Order does not affect Tate & Lyle's responsibility to comply with other federal, state and local laws.

28. This Order does not restrict EPA's authority to enforce the Illinois SIP, the facility's Title V Permit, or any other section of the CAA.

29. Nothing in this Order limits the EPA's authority to seek appropriate relief, including penalties, under Section 113 of the CAA, 42 U.S.C. § 7413, for Tate & Lyle's violation of any Facility construction permit or Title V Permit.

30. Failure to comply with this Order may subject Tate & Lyle to penalties of up to \$37,500 per day for each violation under Section 113 of the CAA, 42 U.S.C. § 7413, and 40 C.F.R. Part 19.

31. The terms of this Order are binding on Tate & Lyle, its assignees and successors. Tate & Lyle must give notice of this Order to any successors in interest prior to transferring ownership and must simultaneously verify to EPA, at the above address, that it has given the notice.

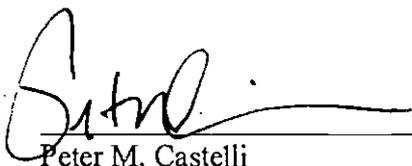
32. Tate & Lyle may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B, for any portion of the information submitted to EPA. Information subject to a business confidentiality claim is available to the public only to the extent allowed by 40 C.F.R. Part 2, Subpart B. If Tate & Lyle fails to assert a business confidentiality claim, EPA may make all submitted information available, without further notice, to any member of the public who requests it. Emission data provided under Section 114 of the CAA, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2, Subpart B. "Emission data" is defined at 40 C.F.R. § 2.301.

33. EPA may use any information submitted under this Order in an administrative, civil judicial or criminal action.

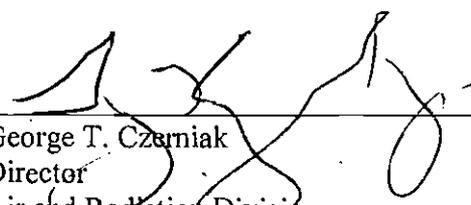
34. Tate & Lyle agrees to the terms of this Order.

35. This Order is effective on the date of signature by the Director of the Air and Radiation Division. This Order will terminate one year from the effective date, provided that Tate & Lyle has complied with all terms of the Order throughout its duration.

2/4/2015  
Date

  
Peter M. Castelli  
Vice President and General Counsel  
Tate & Lyle Ingredients Americas LLC

2/11/15  
Date

  
George T. Czerniak  
Director  
Air and Radiation Division  
U.S. Environmental Protection Agency, Region 5

**CERTIFICATE OF MAILING**

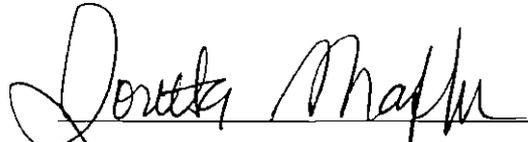
I, Loretta Shaffer, certify that I sent an Administrative Consent Order, No. EPA-5-15-113(a)-IL-08 by Certified Mail, Return Receipt Requested, to:

Richard L. Dickenson  
Director, Environmental Services  
Tate & Lyle Ingredients Americas LLC  
2200 East Eldorado Street  
Decatur, Illinois 62525

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

Eric Jones, Manager  
Bureau of Air, Compliance Unit  
Illinois Environmental Protection Agency  
P.O. Box 19506  
Springfield, Illinois 62794

On the 12 day of February 2015.



Loretta Shaffer, Program Technician  
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7670 1204