

Air Enforcement: U.S. Environmental Protection Agency and Claypool, Indiana Soybean Processing Facility Enter into Consent Agreement



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

09/17/2019

The United States Environmental Protection Agency (“EPA”) and Louis Dreyfus Company Agricultural Industries LLC (“Dreyfus”) entered into a September 9th Consent Agreement and Final Order (“CAFO”) addressing alleged Clean Air Act violations. See Docket No. CAA-05-2019-0027.

Dreyfus is stated to own and operate a soybean processing facility (“Facility”) in Claypool, Indiana.

The Facility owns or operates an “emission source” subject to the emission statement reporting requirements of the Indiana State Implementation Plan as well as the Clean Air Act Prevention of Significant Deterioration requirements of the Indiana State Implementation Plan.

The Facility is stated to contain Title V permits related to the operation of a mineral oil system which controls Volatile Organic Compound emissions from an extraction unit. The requirements related to this unit include:

1. Condition D.3.11(requires that the Permittee monitor and record the mineral oil flow rate to the mineral oil absorber at least once per day;
2. Condition D.3.11(requires that a continuous monitoring system measure the operating temperature of the mineral oil absorber, and requires that on and after the date the stack test results are available, the Permittee maintain the temperature of the mineral oil to the absorber at or below the 3-hour block average temperature as observed during the compliant test;
3. Condition D.3.11(requires that a continuous monitoring system measure the operating temperature of the mineral oil stripper, and requires that on and after the date the stack test results are available, the Permittee maintain the temperature of the mineral oil stripper at or above the 3-hour block average temperature as observed during the compliant test;
4. Condition D.3.11 (requires that the Permittee must take action to address certain operating conditions, including when the mineral oil flow rate is below the minimum established during the last stack test, when the temperature of mineral oil to the absorber is above the temperature established during the last stack test, and when the temperature of mineral oil to the stripper is below the temperature established during the last stack test. It also states that, “(o)perating conditions above or below the values specified in (1) through (3) above shall not be considered a deviation from this permit. Failure to take response steps shall be considered a deviation from this permit.”

EPA is stated to have issued to Dreyfus a Notice and Finding of Violation alleging violations addressing:

1. 326 IAC 2-6-3 of the Indiana SIP;
2. 326 IAC 2-6-4(c)(3) and 326 IAC 2-6-4(c)(5) of the Indiana SIP
3. 326 IAC 2-7-10.5 of the Indiana SIP; and
4. Condition D.3.11(of its Title V permit.

The CAFO provides that Dreyfus violated Condition D.3.11(d) of its Title V permit by failing to take response steps to address certain operating conditions.

A civil penalty of \$155,806 is assessed.

A copy of the CAFO can be downloaded [here](#).