



Joseph E. Kernan
Governor

Lori F. Kaplan
Commissioner

May 24, 2004

100 North Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206-6015
(317) 232-8603
(800) 451-6027
www.in.gov/idem

TO: Interested Parties / Applicant

RE: Archer Daniels Midland Company / SSM 023-18664-00011

FROM: Paul Dubenetzky
Chief, Permits Branch
Office of Air Quality

Notice of Decision: Approval - Effective Immediately

Please be advised that on behalf of the Commissioner of the Department of Environmental Management, I have issued a decision regarding the enclosed matter. Pursuant to IC 13-15-5-3, this permit is effective immediately, unless a petition for stay of effectiveness is filed and granted according to IC 13-15-6-3, and may be revoked or modified in accordance with the provisions of IC 13-15-7-1.

If you wish to challenge this decision, IC 4-21.5-3 and IC 13-15-6-1 require that you file a petition for administrative review. This petition may include a request for stay of effectiveness and must be submitted to the Office of Environmental Adjudication, 100 North Senate Avenue, Government Center North, Room 1049, Indianapolis, IN 46204, **within eighteen (18) calendar days of the mailing of this notice**. The filing of a petition for administrative review is complete on the earliest of the following dates that apply to the filing:

- (1) the date the document is delivered to the Office of Environmental Adjudication (OEA);
- (2) the date of the postmark on the envelope containing the document, if the document is mailed to OEA by U.S. mail; or
- (3) The date on which the document is deposited with a private carrier, as shown by receipt issued by the carrier, if the document is sent to the OEA by private carrier.

The petition must include facts demonstrating that you are either the applicant, a person aggrieved or adversely affected by the decision or otherwise entitled to review by law. Please identify the permit, decision, or other order for which you seek review by permit number, name of the applicant, location, date of this notice and all of the following:

- (1) the name and address of the person making the request;
- (2) the interest of the person making the request;
- (3) identification of any persons represented by the person making the request;
- (4) the reasons, with particularity, for the request;
- (5) the issues, with particularity, proposed for considerations at any hearing; and
- (6) identification of the terms and conditions which, in the judgment of the person making the request, would be appropriate in the case in question to satisfy the requirements of the law governing documents of the type issued by the Commissioner.

If you have technical questions regarding the enclosed documents, please contact the Office of Air Quality, Permits Branch at (317) 233-0178. Callers from within Indiana may call toll-free at 1-800-451-6027, ext. 3-0178.

Enclosures
FNPER.dot 9/16/03



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PART 70 SIGNIFICANT SOURCE MODIFICATION OFFICE OF AIR QUALITY

**Archer Daniels Midland Company
2191 West County Road, O N/S
Frankfort, Indiana 46041**

(herein known as the Permittee) is hereby authorized to construct and operate subject to the conditions contained herein, the emission units described in Section A (Source Summary) of this approval.

This approval is issued in accordance with 326 IAC 2 and 40 CFR Part 70 Appendix A and contains the conditions and provisions specified in 326 IAC 2-7 as required by 42 U.S.C. 7401, et. seq. (Clean Air Act as amended by the 1990 Clean Air Act Amendments), 40 CFR Part 70.6, IC 13-15 and IC 13-17. This permit also addresses certain new source review requirements for existing equipment and is intended to fulfill the new source review procedures pursuant to 326 IAC 2-2 and 326 IAC 2-7-10.5, applicable to those conditions.

Source Modification No.: 023-18664-00011	
Issued by: Original signed by Paul Dubenetzky Paul Dubenetzky, Branch Chief Office of Air Quality	Issuance Date: May 24, 2004

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SECTION A

SOURCE SUMMARY

This approval is based on information requested by the Indiana Department of Environmental Management (IDEM), Office of Air Quality (OAQ). The information describing the emission units contained in conditions A.1 through A.2 is descriptive information and does not constitute enforceable conditions. However, the Permittee should be aware that a physical change or a change in the method of operation that may render this descriptive information obsolete or inaccurate may trigger requirements for the Permittee to obtain additional permits or seek modification of this approval pursuant to 326 IAC 2, or change other applicable requirements presented in the permit application.

A.1 General Information [326 IAC 2-7-4(c)] [326 IAC 2-7-5(15)]

The Permittee owns and operates a stationary soybean processing and oil refining operation.

Responsible Official:	Denis W. Oberg, Plant Manager
Source Address:	2191 West County Road, O N/S, Frankfort, IN 46041
Mailing Address:	P.O. Box 249, Frankfort, IN 46041
General Source Phone Number:	(765) 654-8729
SIC Code:	2075
County Location:	Clinton
Source Location Status:	Attainment for all criteria pollutants
Source Status:	Part 70 Permit Program Major Source, under PSD Rules; Major Source, Section 112 of the Clean Air Act Not 1 of 28 Source Categories

A.2 Emission Units and Pollution Control Equipment Summary [326 IAC 2-7-4(c)(3)] [326 IAC 2-7-5(15)]

This stationary source is approved to operate the soybean processing and oil refining operation consisting of soybean processing operations, natural gas combustion units and the following operation:

- (a) One (1) oil extraction process, identified as EU38, constructed in May of 1985, using hexane solvent, with emissions released through a number of exit streams in the process collectively called the "hexane bubble". The process is equipped with one (1) mineral oil absorber/scrubber (CE-22), which exhausts through one (1) stack (EP25). This process is also equipped with a once-through cold water condenser located between the vent condenser and the mineral oil absorber/scrubber.

A.3 Insignificant Activities [326 IAC 2-7-1(21)] [326 IAC 2-7-4(c)][326 IAC 2-7-5(15)]

This stationary source also includes various insignificant activities related to the soybean processing and oil refining operation as defined in 326 IAC 2-7-1(21).

A.4 Part 70 Permit Applicability [326 IAC 2-7-2]

This stationary source is required to have a Part 70 permit by 326 IAC 2-7-2 (Applicability) because:

- (a) It is a major source, as defined in 326 IAC 2-7-1(22);
- (b) It is a source in a source category designated by the United States Environmental Protection Agency (U.S. EPA) under 40 CFR 70.3 (Part 70 - Applicability).

SECTION B GENERAL CONSTRUCTION CONDITIONS

B.1 Definitions [326 IAC 2-7-1]

Terms in this permit shall have the definition assigned to such terms in the referenced regulation. In the absence of definitions in the referenced regulation, the applicable definitions found in the statutes or regulations (IC 13-11, 326 IAC 1-2 and 326 IAC 2-7) shall prevail.

B.2 Effective Date of the Permit [IC13-15-5-3]

Pursuant to IC 13-15-5-3, this approval becomes effective upon its issuance.

B.3 Significant Source Modification [326 IAC 2-7-10.5(h)]

This document shall also become the approval to operate pursuant to 326 IAC 2-7-10.5(h) when, prior to start of operation, the following requirements are met:

- (a) In the event that the Part 70 application is being processed at the same time as this application, the following additional procedures shall be followed for obtaining the right to operate:
 - (1) If the Part 70 draft permit has not gone on public notice, then the change/addition covered by the Significant Source Modification will be included in the Part 70 draft.
 - (2) If the Part 70 permit has gone through final EPA proposal and would be issued ahead of the Significant Source Modification, the Significant Source Modification will go through a concurrent 45 day EPA review. Then the Significant Source Modification will be incorporated into the final Part 70 permit at the time of issuance.
 - (3) If the Part 70 permit has gone through public notice, but has not gone through final EPA review and would be issued after the Significant Source Modification is issued, then the Modification would be added to the proposed Part 70 permit, and the Title V permit will issued after EPA review.

SECTION C GENERAL OPERATION CONDITIONS

C.1 Certification [326 IAC 2-7-4(f)][326 IAC 2-7-6(1)][326 IAC 2-7-5(3)(C)]

- (a) Where specifically designated by this permit or required by an applicable requirement, any application form, report, or compliance certification submitted shall contain certification by a responsible official of truth, accuracy, and completeness. This certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
- (b) One (1) certification shall be included, using the attached Certification Form, with each submittal requiring certification.
- (c) A responsible official is defined at 326 IAC 2-7-1(34).

C.2 Preventive Maintenance Plan [326 IAC 2-7-5(1),(3) and (13)] [326 IAC 2-7-6(1) and (6)] [326 IAC 1-6-3]

- (a) If required by specific condition(s) in Section D of this permit, the Permittee shall prepare and maintain Preventive Maintenance Plans (PMPs) within ninety (90) days after issuance of this permit, including the following information on each facility:
 - (1) Identification of the individual(s) responsible for inspecting, maintaining, and repairing emission control devices;
 - (2) A description of the items or conditions that will be inspected and the inspection schedule for said items or conditions; and
 - (3) Identification and quantification of the replacement parts that will be maintained in inventory for quick replacement.

If, due to circumstances beyond the Permittee's control, the PMPs cannot be prepared and maintained within the above time frame, the Permittee may extend the date an additional ninety (90) days provided the Permittee notifies:

Indiana Department of Environmental Management
Compliance Branch, Office of Air Quality
100 North Senate Avenue, P. O. Box 6015
Indianapolis, Indiana 46206-6015

The PMP extension notification does not require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

- (b) The Permittee shall implement the PMPs, including any required record keeping as necessary to ensure that failure to implement a PMP does not cause or contribute to an exceedance of any limitation on emissions or potential to emit.
- (c) A copy of the PMPs shall be submitted to IDEM, OAQ, upon request and within a reasonable time, and shall be subject to review and approval by IDEM, OAQ. IDEM, OAQ, may require the Permittee to revise its PMPs whenever lack of proper maintenance causes or is the primary contributor to an exceedance of any limitation on emissions or potential to emit. The PMP does not require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).
- (d) To the extent the Permittee is required by 40 CFR Part 60/63 to have an Operation Maintenance, and Monitoring (OMM) Plan for a unit, such Plan is deemed to satisfy the PMP requirements of 326 IAC 1-6-3 for that unit.

C.3 Permit Amendment or Modification [326 IAC 2-7-11] [326 IAC 2-7-12]

(a) Permit amendments and modifications are governed by the requirements of 326 IAC 2-7-11 or 326 IAC 2-7-12 whenever the Permittee seeks to amend or modify this permit.

(b) Any application requesting an amendment or modification of this permit shall be submitted to:

Indiana Department of Environmental Management
Permits Branch, Office of Air Quality
100 North Senate Avenue, P.O. Box 6015
Indianapolis, Indiana 46206-6015

Any such application shall be certified by the "responsible official" as defined by 326 IAC 2-7-1(34).

(c) The Permittee may implement administrative amendment changes addressed in the request for an administrative amendment immediately upon submittal of the request. [326 IAC 2-7-11(c)(3)]

C.4 Opacity [326 IAC 5-1]

Pursuant to 326 IAC 5-1-2 (Opacity Limitations), except as provided in 326 IAC 5-1-3 (Temporary Alternative Opacity Limitations), opacity shall meet the following, unless otherwise stated in this permit:

(a) Opacity shall not exceed an average of forty percent (40%) in any one (1) six (6) minute averaging period as determined in 326 IAC 5-1-4.

(b) Opacity shall not exceed sixty percent (60%) for more than a cumulative total of fifteen (15) minutes (sixty (60) readings as measured according to 40 CFR 60, Appendix A, Method 9 or fifteen (15) one (1) minute nonoverlapping integrated averages for a continuous opacity monitor) in a six (6) hour period.

C.5 Fugitive Dust Emissions [326 IAC 6-4]

The Permittee shall not allow fugitive dust to escape beyond the property line or boundaries of the property, right-of-way, or easement on which the source is located, in a manner that would violate 326 IAC 6-4 (Fugitive Dust Emissions).

C.6 Operation of Equipment [326 IAC 2-7-6(6)]

Except as otherwise provided by statute or rule, or in this permit, all air pollution control equipment listed in this permit and used to comply with an applicable requirement shall be operated at all times that the emission units vented to the control equipment are in operation.

Testing Requirements [326 IAC 2-7-6(1)]

C.7 Performance Testing [326 IAC 3-6][326 IAC 2-1.1-11]

(a) Compliance testing on new emission units shall be conducted within 60 days after achieving maximum production rate, but no later than 180 days after initial start-up, if specified in Section D of this approval. All testing shall be performed according to the provisions of 326 IAC 3-6 (Source Sampling Procedures), except as provided elsewhere in this approval, utilizing any applicable procedures and analysis methods specified in 40 CFR 51, 40 CFR 60, 40 CFR 61, 40 CFR 63, 40 CFR 75, or other procedures approved by IDEM, OAQ.

A test protocol, except as provided elsewhere in this approval, shall be submitted to:

Indiana Department of Environmental Management
Compliance Data Section, Office of Air Quality
100 North Senate Avenue, P. O. Box 6015
Indianapolis, Indiana 46206-6015

no later than thirty-five (35) days prior to the intended test date. The protocol submitted by the Permittee does not require certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

- (b) The Permittee shall notify IDEM, OAQ of the actual test date at least fourteen (14) days prior to the actual test date. The notification submitted by the Permittee does not require certification by the "responsible official" as defined by 326 IAC 2-7-1(34).
- (c) Pursuant to 326 IAC 3-6-4(b), all test reports must be received by IDEM, OAQ not later than forty-five (45) days after the completion of the testing. An extension may be granted by IDEM, OAQ, if the source submits to IDEM, OAQ, a reasonable written explanation not later than five (5) days prior to the end of the initial forty-five (45) day period.

Compliance Requirements [326 IAC 2-1.1-11]

C.8 Compliance Requirements [326 IAC 2-1.1-11]

The commissioner may require stack testing, monitoring, or reporting at any time to assure compliance with all applicable requirements by issuing an order under 326 IAC 2-1.1-11. Any monitoring or testing shall be performed in accordance with 326 IAC 3 or other methods approved by the commissioner or the U. S. EPA.

Compliance Monitoring Requirements [326 IAC 2-7-5(1)] [326 IAC 2-7-6(1)]

C.9 Compliance Monitoring [326 IAC 2-7-5(3)] [326 IAC 2-7-6(1)]

Unless otherwise specified in this permit, all monitoring and record keeping requirements not already legally required shall be implemented within ninety (90) days of permit issuance. If required by Section D, the Permittee shall be responsible for installing any necessary equipment and initiating any required monitoring related to that equipment. If due to circumstances beyond its control, that equipment cannot be installed and operated within ninety (90) days, the Permittee may extend the compliance schedule related to the equipment for an additional ninety (90) days provided the Permittee notifies:

Indiana Department of Environmental Management
Compliance Branch, Office of Air Quality
100 North Senate Avenue, P. O. Box 6015
Indianapolis, Indiana 46206-6015

in writing, prior to the end of the initial ninety (90) day compliance schedule, with full justification of the reasons for the inability to meet this date.

The notification which shall be submitted by the Permittee does require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

C.10 Monitoring Methods [326 IAC 3] [40 CFR 60] [40 CFR 63]

Any monitoring or testing required by Section D of this permit shall be performed according to the provisions of 326 IAC 3, 40 CFR 60, Appendix A, 40 CFR 60 Appendix B, 40 CFR 63, or other approved methods as specified in this permit.

C.11 Pressure Gauge and Other Instrument Specifications [326 IAC 2-1.1-11] [326 IAC 2-7-5(3)]
[326 IAC 2-7-6(1)]

- (a) Whenever a condition in this permit requires the measurement of pressure drop across any part of the unit or its control device, the gauge employed shall have a scale such that the expected normal reading shall be no less than twenty percent (20%) of full scale and be accurate within plus or minus two percent (2%) of full scale reading.
- (b) Whenever a condition in this permit requires the measurement of a temperature or flow rate, the instrument employed shall have a scale such that the expected normal reading shall be no less than twenty percent (20%) of full scale and be accurate within plus or minus two percent (2%) of full scale reading.
- (c) The Permittee may request the IDEM, OAQ approve the use of a pressure gauge or other instrument that does not meet the above specifications provided the Permittee can demonstrate an alternative pressure gauge or other instrument specification will adequately ensure compliance with permit conditions requiring the measurement of pressure drop or other parameters.

Corrective Actions and Response Steps [326 IAC 2-7-5] [326 IAC 2-7-6]

C.12 Compliance Response Plan - Preparation, Implementation, Records, and Reports [326 IAC 2-7-5]
[326 IAC 2-7-6]

- (a) The Permittee is required to prepare a Compliance Response Plan (CRP) for each compliance monitoring condition of this permit. If a Permittee is required to have an Operation, Maintenance and Monitoring (OMM) Plan (or Parametric Monitoring Plan and Start-up, Shutdown, and Malfunction (SSM) Plan) under 40 CFR 60/63, such plans shall be deemed to satisfy the requirements for a CRP for those compliance monitoring conditions. A CRP shall be submitted to IDEM, upon request. The CRP shall be prepared within ninety (90) days after issuance of this permit by the Permittee, supplemented from time to time by the Permittee, maintained on site, and comprised of:
 - (1) Reasonable response steps that may be implemented in the event that a response step is needed pursuant to the requirements of Section D of this permit; and an expected timeframe for taking reasonable response steps.
 - (2) If, at any time, the Permittee takes reasonable response steps that are not set forth in the Permittee's current Compliance Response Plan or Operation, Maintenance and Monitoring (OMM) Plan (or Parametric Monitoring Plan and Start-up, Shutdown, and Malfunction (SSM) Plan) and the Permittee documents such response in accordance with subsection (e) below, the Permittee shall amend its Compliance Response Plan or Operation, Maintenance and Monitoring (OMM) Plan (or Parametric Monitoring Plan and Start-up, Shutdown, and Malfunction (SSM) Plan) to include such response steps taken.

The OMM Plan (or Parametric Monitoring and SMM Plan) shall be submitted within the time frames specified by the applicable 40 CFR60/63 requirement.

- (b) For each compliance monitoring condition of this permit, reasonable response steps shall be taken when indicated by the provisions of that compliance monitoring condition as follows:
 - (1) Reasonable response steps shall be taken as set forth in the Permittee's current Compliance Response Plan or Operation, Maintenance and Monitoring (OMM) Plan (or Parametric Monitoring Plan and Start-up, Shutdown, and Malfunction (SSM) Plan); or

- (2) If none of the reasonable response steps listed in the Compliance Response Plan or Operation, Maintenance and Monitoring (OMM) Plan (or Parametric Monitoring Plan and Start-up, Shutdown, and Malfunction (SSM) Plan) is applicable or responsive to the excursion, the Permittee shall devise and implement additional response steps as expeditiously as practical. Taking such additional response steps shall not be considered a deviation from this permit so long as the Permittee documents such response steps in accordance with this condition.
 - (3) If the Permittee determines that additional response steps would necessitate that the emissions unit or control device be shut down, and it will be ten (10) days or more until the unit or device will be shut down, then the Permittee shall promptly notify the IDEM, OAQ of the expected date of the shut down. The notification shall also include the status of the applicable compliance monitoring parameter with respect to normal, and the results of the response actions taken up to the time of notification.
 - (4) Failure to take reasonable response steps shall be considered a deviation from the permit.
- (c) The Permittee is not required to take any further response steps for any of the following reasons:
- (1) A false reading occurs due to the malfunction of the monitoring equipment and prompt action was taken to correct the monitoring equipment.
 - (2) The Permittee has determined that the compliance monitoring parameters established in the permit conditions are technically inappropriate, has previously submitted a request for a minor permit modification to the permit, and such request has not been denied.
 - (3) An automatic measurement was taken when the process was not operating.
 - (4) The process has already returned or is returning to operating within "normal" parameters and no response steps are required.
- (d) When implementing reasonable steps in response to a compliance monitoring condition, if the Permittee determines that an exceedance of an emission limitation has occurred, the Permittee shall report such deviations pursuant to Section B-Deviations from Permit Requirements and Conditions.
- (e) The Permittee shall record all instances when, in accordance with Section D, response steps are taken. In the event of an emergency, the provisions of 326 IAC 2-7-16 (Emergency Provisions) requiring prompt corrective action to mitigate emissions shall prevail.
- (f) Except as otherwise provided by a rule or provided specifically in Section D, all monitoring as required in Section D shall be performed when the emission unit is operating, except for time necessary to perform quality assurance and maintenance activities.

C.13 Emergency Provisions [326 IAC 2-7-16]

- (a) An emergency, as defined in 326 IAC 2-7-1(12), is not an affirmative defense for an action brought for noncompliance with a federal or state health-based emission limitation.

- (b) An emergency, as defined in 326 IAC 2-7-1(12), constitutes an affirmative defense to an action brought for noncompliance with a technology-based emission limitation if the affirmative defense of an emergency is demonstrated through properly signed, contemporaneous operating logs or other relevant evidence that describe the following:
- (1) An emergency occurred and the Permittee can, to the extent possible, identify the causes of the emergency;
 - (2) The permitted facility was at the time being properly operated;
 - (3) During the period of an emergency, the Permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards or other requirements in this permit;
 - (4) For each emergency lasting one (1) hour or more, the Permittee notified IDEM, OAQ, within four (4) daytime business hours after the beginning of the emergency, or after the emergency was discovered or reasonably should have been discovered;

Telephone Number: 1-800-451-6027 (ask for Office of Air Quality, Compliance Section), or
Telephone Number: 317-233-5674 (ask for Compliance Section)
Facsimile Number: 317-233-5967
 - (5) For each emergency lasting one (1) hour or more, the Permittee submitted the attached Emergency Occurrence Report Form or its equivalent, either by mail or facsimile to:

Indiana Department of Environmental Management
Compliance Branch, Office of Air Quality
100 North Senate Avenue, P. O. Box 6015
Indianapolis, Indiana 46206-6015

within two (2) working days of the time when emission limitations were exceeded due to the emergency.

The notice fulfills the requirement of 326 IAC 2-7-5(3)(C)(ii) and must contain the following:
 - (A) A description of the emergency;
 - (B) Any steps taken to mitigate the emissions; and
 - (C) Corrective actions taken.The notification which shall be submitted by the Permittee does not require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).
- (6) The Permittee immediately took all reasonable steps to correct the emergency.
- (c) In any enforcement proceeding, the Permittee seeking to establish the occurrence of an emergency has the burden of proof.
- (d) This emergency provision supersedes 326 IAC 1-6 (Malfunctions). This permit condition is in addition to any emergency or upset provision contained in any applicable requirement.

- (e) IDEM, OAQ, may require that the Preventive Maintenance Plans required under 326 IAC 2-7-4-(c)(9) be revised in response to an emergency.
- (f) Failure to notify IDEM, OAQ, by telephone or facsimile of an emergency lasting more than one (1) hour in accordance with (b)(4) and (5) of this condition shall constitute a violation of 326 IAC 2-7 and any other applicable rules.
- (g) If the emergency situation causes a deviation from a technology-based limit, the Permittee may continue to operate the affected emitting facilities during the emergency provided the Permittee immediately takes all reasonable steps to correct the emergency and minimize emissions.

**C.14 Actions Related to Noncompliance Demonstrated by a Stack Test [326 IAC 2-7-5]
[326 IAC 2-7-6]**

- (a) When the results of a stack test performed in conformance with Section C - Performance Testing, of this permit exceed the level specified in any condition of this permit, the Permittee shall take appropriate response actions. The Permittee shall submit a description of these response actions to IDEM, OAQ, within thirty (30) days of receipt of the test results. The Permittee shall take appropriate action to minimize excess emissions from the affected facility while the response actions are being implemented.
- (b) A retest to demonstrate compliance shall be performed within one hundred twenty (120) days of receipt of the original test results. Should the Permittee demonstrate to IDEM, OAQ that retesting in one-hundred and twenty (120) days is not practicable, IDEM, OAQ may extend the retesting deadline.
- (c) IDEM, OAQ reserves the authority to take any actions allowed under law in response to noncompliant stack tests.

The response action documents submitted pursuant to this condition do require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).

Record Keeping and Reporting Requirements [326 IAC 2-7-5(3)] [326 IAC 2-7-19]

C.15 General Record Keeping Requirements [326 IAC 2-7-5(3)][326 IAC 2-7-6]

- (a) Records of all required monitoring data, reports and support information required by this permit shall be retained for a period of at least five (5) years from the date of monitoring sample, measurement, report, or application. These records shall be physically present or electronically accessible at the source location for a minimum of three (3) years. The records may be stored elsewhere for the remaining two (2) years as long as they are available upon request. If the Commissioner makes a request for records to the Permittee, the Permittee shall furnish the records to the Commissioner within a reasonable time.
- (b) Unless otherwise specified in this permit, all record keeping requirements not already legally required shall be implemented within ninety (90) days of permit issuance.

C.16 General Reporting Requirements [326 IAC 2-7-5(3)(C)]

- (a) The reports required by conditions in Section D of this permit shall be submitted to:

Indiana Department of Environmental Management
Compliance Data Section, Office of Air Quality
100 North Senate Avenue, P. O. Box 6015
Indianapolis, Indiana 46206-6015

- (b) Unless otherwise specified in this permit, any notice, report, or other submission required by this permit shall be considered timely if the date postmarked on the envelope or certified mail receipt, or affixed by the shipper on the private shipping receipt, is on or before the date it is due. If the document is submitted by any other means, it shall be considered timely if received by IDEM, OAQ, on or before the date it is due.
- (c) Unless otherwise specified in this permit, all reports required in Section D of this permit shall be submitted within thirty (30) days of the end of the reporting period. All reports do require the certification by the "responsible official" as defined by 326 IAC 2-7-1(34).
- (d) The first report shall cover the period commencing on the date of issuance of this permit and ending on the last day of the reporting period. Reporting periods are based on calendar years.

SECTION D.1

FACILITY OPERATION CONDITIONS

Facility Description [326 IAC 2-7-5(15)]

The soybean processing and oil refining operation consisting of soybean processing operations, natural gas combustion units and the following operation:

- (a) One (1) oil extraction process, identified as EU38, constructed in May of 1985, using hexane solvent, with emissions released through a number of exit streams in the process collectively called the "hexane bubble". The process is equipped with one (1) mineral oil absorber/scrubber (CE-22), which exhausts through one (1) stack (EP25). This process is also equipped with a once-through cold water condenser located between the vent condenser and the mineral oil absorber/scrubber.

(The information describing the process contained in this facility description box is descriptive information and does not constitute enforceable conditions.)

Emission Limitations and Standards [326 IAC 2-7-5(1)]

D.1.1 Consent Decree Requirements [326 IAC 2-2] [326 IAC 8-1-6]

Pursuant to the Consent Decree in *United States v. Archer Daniels Midland Company*, Civil Action No. 03-2066, that was lodged with the United States District Court for the Central District of Illinois, the following requirements apply to the Permittee:

- (a) As part of the Consent Decree, a once-through cold water condenser shall be installed and will be located between the vent condenser and the mineral oil absorber/scrubber. The purpose of this condenser is to condense hexane vapors and reduce the vapor loading to the mineral oil absorber/scrubber. The Consent Decree requires that ADM's Frankfort, Indiana plant install only the once-through cold-water condenser prior to the mineral oil absorber/scrubber. ADM shall conduct a design and engineering review of each affected unit to size the condenser upgrade. The design criteria for the once-through cold-water condenser that will be the basis for sizing the required condenser upgrade is a minimum of 94 ft² surface area.

By no later than the dates set forth in section 6.0 of Attachment 9 of the Consent Decree, VOC Control Technology Plan for ADM's Oilseed Plants, ADM shall upgrade its oilseed plants so that all plants have condenser systems that include, at a minimum, a dedicated "extractor condenser" for the extractor and a once-through cold water condenser following the vent condenser. This shall be done at all ADM plants no later than April 1, 2006.

- (b) By no later than December 31, 2007, ADM shall propose in writing to the U.S. EPA, the Department of Justice, and the OAQ, the Plaintiffs in the Consent Decree for this plant, final VOC Solvent Loss Ratio (SLR) limits for this facility that satisfy the requirements of Subsection 5.2 of Attachment 9 of the Consent Decree presented below.

Except for multi-seed plants, the capacity-weighted average of these final VOC SLR limits for the conventional soybean group shall not exceed the VOC SLR limit of 0.175 gal/ton for conventional soybean plants.

The capacity weighted average of the final VOC SLR limit for the conventional soybean group is to be calculated using the following equation:

$$\text{Conventional Soybean} = \frac{\sum (\text{Seed}_i * \text{SLR}_i)}{\sum (\text{Seed}_i)} \# 0.175 \text{ gal/ton}$$

where: Seed_i = Crush capacity of soybean plant i; and

SLR_i = Final SLR Limit for soybean plant i.

The capacity-weighted averages shall be based on the design capacity for each plant that has been approved by the Plaintiffs under Paragraph 68 of the Consent Decree. For purposes of the Consent Decree, design capacity is the “maximum permitted crush capacity” that a plant is allowed to process in a given time period under its operating permit; or, if no limit is included in the operating permit, the plant’s maximum physical capacity. This number is expressed as “tons of crush per day.”

Note the maximum crush capacity of the oil extraction process at this source is confidential trade secret information.

Compliance with these requirements satisfies the requirements of 326 IAC 2-2 (PSD) and 326 IAC 8-1-6 (New Facilities, General Reduction Requirements).

D.1.2 Preventive Maintenance Plan [326 IAC 2-7-5(13)]

A Preventive Maintenance Plan, in accordance with Section B - Preventive Maintenance Plan, of this permit, is required for this facility and any control devices.

Compliance Determination Requirements

D.1.3 Consent Decree Compliance

(a) Compliance with the interim and final VOC SLR limits in the Consent Decree shall be determined in accordance with 40 CFR Part 63, Subpart GGGG, with the following exceptions:

- (1) provisions pertaining to HAP content shall not apply;
- (2) monitoring and recordkeeping of solvent losses at the plant shall be conducted daily;
- (3) solvent losses and quantities of oilseed processed during startup and shutdown periods shall not be excluded in determining solvent losses; and
- (4) records shall be kept in the form of the table included in Section 8.0 of Attachment 9 of the Consent Decree and presented here that show total solvent losses, solvent losses during malfunction periods, adjusted solvent losses (i.e., total solvent losses minus malfunction losses) monthly and on a twelve-month rolling basis as follows:

Solvent Loss Record for ADM Oilseed Plant X

Date	Total Crush (tons)		Total Solvent Loss (gallons)		Malfunction Period Solvent Loss (gallons)		Adjusted Solvent Loss ^a (gallons)		SLR ^b (gal/ton)
	Monthly	12-Month Rolling	Monthly	12-Month Rolling	Monthly	12-Month Rolling	Monthly	12-Month Rolling	12-Month Rolling
Month, Year									

a -Adjusted Solvent Loss is equal to Total Solvent Loss minus Malfunction Period Loss.

b -Solvent Loss Ratio is equal to 12-month rolling Adjusted Solvent Loss divided by 12-Month Rolling Total Crush.

Compliance determination for each plant is based on 12-Month Rolling SLR value compared to Final VOC SLR Limit.

- (b) For plants with interim or final solvent loss limits, ADM may apply the provisions of 40 CFR Part 63, Subpart GGGG pertaining to malfunction periods only when the conditions in both paragraphs (1) and (2) below are met:
- (1) The malfunction results in a total plant shutdown. For purposes of the Consent Decree, a "total plant shutdown" means a shutdown of the solvent extraction system.
 - (2) Cumulative solvent losses during malfunction periods at a plant do not exceed 4,000 gallons in a 12-month rolling period.

At all other times, ADM must include all solvent losses when determining compliance with its interim or final VOC SLR limits at this plant.

During a malfunction period, ADM shall comply with the startup, shutdown and malfunction (SSM) plan as required under Subpart GGGG for the plant. The solvent loss corresponding to a malfunction period will be calculated as the difference in the total solvent inventories for the day before the malfunction period began and the day the plant resumes normal operation.

Compliance Monitoring Requirements [326 IAC 2-7-6(1)] [326 IAC 2-7-5(1)]

D.1.4 VOC Control

In order to comply with condition D.1.1, the mineral oil absorber/scrubber (CE-22) and the once-through cold water condenser located between the vent condenser and the mineral oil absorber/scrubber shall be operated at all times that the hexane solvent oil extraction process (EU38) is in operation.

D.1.5 Parametric Monitoring

- (a) The Permittee shall record the following for the scrubber used in conjunction with the oil extraction process, identified as EU38, at least once per day when the oil extraction process is in operation:
- (1) the total static pressure drop across the scrubber;
 - (2) the inlet gas temperature of the scrubber;
 - (3) the outlet gas flow rate of the scrubber; and
 - (4) the mineral oil flow rate in the scrubber.
- (b) When for any one reading, the pressure drop across the scrubber is outside the normal range of 5.0 and 15.0 inches of water or a range established during the latest stack test; the inlet gas temperature is outside the normal range of 60 and 100 degrees F or a range established during the latest stack test; the outlet gas flow rate is outside the normal range of 75 and 250 cubic feet per minute (cfm) or a range established during the latest stack test; or the mineral oil flow rate is outside the normal range of 15.0 and 25.0 gallons per minute (gpm) or a range established during the latest stack test; the Permittee shall take reasonable response steps in accordance with Section C- Compliance Response Plan - Preparation, Implementation, Records, and Reports. A pressure reading, inlet gas temperature, outlet gas flow rate, or a mineral oil flow rate that is outside the above mentioned ranges, is not a deviation from this permit. Failure to take response steps in accordance with Section C - Compliance Response Plan - Preparation, Implementation, Records, and Reports, shall be considered a deviation from this permit.

The instruments used for determining the pressure, temperature, and flow rates shall comply with Section C - Pressure Gauge and Other Instrument Specifications, of this permit, shall be subject to approval by IDEM, OAQ, and shall be calibrated at least once every six (6) months.

Record Keeping and Reporting Requirements [326 IAC 2-7-5(3)] [326 IAC 2-7-19]

D.1.6 Record Keeping Requirements

- (a) To demonstrate compliance with the final VOC SLR limits at this oilseed plant pursuant to condition D.1.1, ADM shall:
 - (1) maintain the records required by 40 CFR Part 63, Subpart GGGG on solvent loss and quantity of oilseed processed;
 - (2) maintain the records required by 40 CFR Part 63, Subpart GGGG, for any malfunction period as defined in Section 8.0 of Attachment 9 of the Consent Decree.
 - (3) keep daily records in the form of the table included in Section 8.0 of Attachment 9 of the Consent Decree and at the end of this permit that show total solvent losses, solvent losses during malfunction periods, adjusted solvent losses (i.e., total solvent losses minus malfunction losses) monthly and on a twelve-month rolling basis.
- (b) To document compliance with Condition D.1.5, the Permittee shall maintain records once per day of the following for the mineral oil scrubber:
 - (1) the total static pressure drop across the scrubber;
 - (2) the inlet gas temperature of the scrubber;
 - (3) the outlet gas flow rate of the scrubber; and
 - (4) the mineral oil flow rate in the scrubber.
- (c) To document compliance with Condition D.1.2, the Permittee shall maintain of records of any additional inspections prescribed by the Preventive Maintenance Plan.
- (d) All records shall be maintained in accordance with Section C - General Record Keeping Requirements, of this permit.

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT OFFICE OF AIR QUALITY

PART 70 SOURCE MODIFICATION CERTIFICATION

Source Name: Archer Daniels Midland Company
Source Address: 2191 West County Road, O N/S, Frankfort, Indiana 46041
Mailing Address: P.O. Box 249, Frankfort, IN 46041
Source Modification No.: 023-18664-00011

This certification shall be included when submitting monitoring, testing reports/results or other documents as required by this approval.

Please check what document is being certified:

- Test Result (specify)
- Report (specify)
- Notification (specify)
- Affidavit (specify)
- Other (specify)

I certify that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

Signature:

Printed Name:

Title/Position:

Date:

Indiana Department of Environmental Management Office of Air Quality

Technical Support Document (TSD) for a Significant Source Modification to a Part 70 Source

Source Background and Description

Source Name:	Archer Daniels Midland Company
Source Location:	2191 West County Road, O N/S, Frankfort, IN 46041
County:	Clinton
SIC Code:	2075
Operation Permit No.:	T023-6066-00011
Operation Permit Issuance Date:	Pending
Source Modification No.:	023-18664-00011
Permit Reviewer:	Trish Earls/EVP

History

On April 9, 2003, a proposed Consent Decree in *United States v. Archer Daniels Midland Company*, Civil Action No. 03-2066 was lodged with the United States District Court for the Central District of Illinois. The Consent Decree addresses claims for violations of the Prevention of Significant Deterioration (PSD) and New Source Performance Standards (NSPS) requirements of the Clean Air Act pursuant to section 113(b) of the Clean Air Act (Act). Under the terms of the Consent Decree, ADM will install state-of-the-art air pollution controls and will meet the applicable requirements of the NSPS, 40 CFR part 60, Subparts Db, Dc, DD, and Kb for boilers, grain elevators, and storage tanks.

As stated in the consent decree, "Satisfaction of all of the requirements of this Consent Decree constitutes full settlement of and shall resolve all past civil and administrative liability of ADM to the Plaintiffs for the violations alleged in the Plaintiffs' Complaints and all civil and administrative liability of ADM for any violations at its plants listed herein based on facts and events that occurred during the relevant time period." This means that compliance with the requirements of the consent decree will satisfy the requirements of 326 IAC 2-2 (PSD).

This source initially submitted a Part 70 permit application on June 4, 1996. The applicable requirements of the consent decree for this soybean processing and oil refining operation are being permitted under this Significant Source Modification and will be incorporated into the Part 70 permit upon issuance of this Significant Source Modification. Since compliance with the requirements of the consent decree will satisfy the requirements of 326 IAC 2-2 (PSD), the requirements of the consent decree are included under the requirements pursuant to 326 IAC 2-2 in the Consent Decree Requirements section of this document and in this proposed permit.

Source Background and Description

This soybean processing and oil refining operation consists of soybean processing operations, natural gas combustion units, and the following operation:

- (a) One (1) oil extraction process, identified as EU38, constructed in May of 1985, using hexane solvent, with emissions released through a number of exit streams in the process collectively called the "hexane bubble". The process is equipped with one (1) mineral oil absorber/scrubber (CE-22), which exhausts through one (1) stack (EP25). This process is also equipped with a once-through cold water condenser located between the vent condenser and the mineral oil absorber/scrubber.

This source also includes various insignificant activities. The soybean processing operations, natural gas combustion units and the insignificant activities will be detailed in the Part 70 permit (T023-6066-00011) which is pending with the OAQ.

Enforcement Issue

- (a) IDEM is aware that modifications were made to the source that exceeded the applicability thresholds for 326 IAC 2-2 (Prevention of Significant Deterioration (PSD)) without obtaining the proper approvals.
- (b) On April 9, 2003, a proposed Consent Decree in *United States v. Archer Daniels Midland Company*, Civil Action No. 03-2066 was lodged with the United States District Court for the Central District of Illinois. The Consent Decree addresses claims for violations of the Prevention of Significant Deterioration (PSD) and New Source Performance Standards (NSPS) requirements of the Clean Air Act pursuant to section 113(b) of the Clean Air Act (Act) at 52 plants in 16 states. This source is one of the 52 plants. Under the terms of the Consent Decree, ADM will install state-of-the-art air pollution controls on hundreds of units, shut down older, dirty units and accept restrictive emission limits on others. In addition ADM will meet the applicable requirements of the NSPS, 40 CFR part 60, Subparts Db, Dc, DD, and Kb for boilers, grain elevators, and storage tanks.

As stated in the consent decree, "Satisfaction of all of the requirements of this Consent Decree constitutes full settlement of and shall resolve all past civil and administrative liability of ADM to the Plaintiffs for the violations alleged in the Plaintiffs' Complaints and all civil and administrative liability of ADM for any violations at its plants listed herein based on facts and events that occurred during the relevant time period." This means that compliance with the requirements of the consent decree will satisfy the requirements of 326 IAC 2-2 (PSD).

Recommendation

The staff recommends to the Commissioner that the Significant Source Modification be approved. This recommendation is based on the following facts and conditions:

The OAQ has determined that this permit is necessary to fulfill the new source review procedures pursuant to 326 IAC 2-2 and 326 IAC 2-7-10.5, applicable to the permit conditions containing the requirements of the consent decree.

County Attainment Status

The source is located in Clinton County.

Pollutant	Status
PM-10	Attainment
SO ₂	Attainment
NO ₂	Attainment
Ozone	Attainment
CO	Attainment
Lead	Attainment

- (a) Volatile organic compounds (VOC) are precursors for the formation of ozone. Therefore, VOC emissions are considered when evaluating the rule applicability relating to the ozone standards. Clinton County has been designated as attainment or unclassifiable for ozone. Therefore, VOC emissions were reviewed pursuant to the requirements for Prevention of Significant Deterioration (PSD), 326 IAC 2-2.
- (b) Clinton County has been classified as attainment or unclassifiable for all other criteria pollutants. Therefore, these emissions were reviewed pursuant to the requirements for Prevention of Significant Deterioration (PSD), 326 IAC 2-2.
- (c) Fugitive Emissions
Since there are applicable New Source Performance Standards that were in effect on August 7, 1980, the fugitive emissions are counted toward determination of PSD and Emission Offset applicability. This type of operation is not one of the twenty-eight (28) listed source categories under 326 IAC 2-2.

Consent Decree Requirements

326 IAC 2-2 (Prevention of Significant Deterioration (PSD))

This source is a major PSD source. When the hexane solvent oil extraction process (EU38) was constructed in 1985, this existing source was already a major PSD source. However, since the existing units at the source were all constructed prior to 1980, they were not subject to the requirements of this rule. Since VOC emissions from the oil extraction process were greater than 250 tons per year, the installation of that process was a significant modification and was subject to the requirements of the rule. However, since the unit was not permitted, the violation was not previously discovered.

On April 9, 2003, a proposed Consent Decree in *United States v. Archer Daniels Midland Company*, Civil Action No. 03-2066 was lodged with the United States District Court for the Central District of Illinois. The Consent Decree addresses claims for violations of the Prevention of Significant Deterioration (PSD) and New Source Performance Standards (NSPS) requirements of the Clean Air Act pursuant to section 113(b) of the Clean Air Act (Act) at 52 plants in 16 states. The Complaint alleges that ADM routinely underestimated its VOC emissions from corn processing and ethanol production units and modified and expanded its oilseed plants without obtaining appropriate pre-construction permits and installing air pollution control equipment.

The requirements of the Consent Decree that apply to this source are as follows:

- (a) As part of this consent decree, ADM shall implement a series of projects to upgrade the solvent recovery systems at its oilseed plants to include at a minimum:

A dedicated "extractor condenser" will be located between the extractor and the vent condenser. Its function is to reduce the vapor loading to the vent condenser.

A once-through cold water condenser will be located between the vent condenser and the mineral oil absorber/scrubber. The purpose of this condenser is to condense hexane vapors and reduce the vapor loading to the mineral oil absorber/scrubber. The Consent Decree requires that ADM's Frankfort, Indiana plant install only the once-through cold-water condenser prior to the mineral oil absorber/scrubber. The application submitted by ADM (No. 023-18129-00011), which was received by the OAQ on September 15, 2003, and was combined with the Part 70 permit application, is for the installation of a once-through cold-water condenser which they will install to comply with the consent decree. ADM shall conduct a design and engineering review of each affected unit to size the condenser upgrade. The design criteria for the once-through cold-water condenser that will be the basis for sizing the required condenser upgrade is a minimum of 94 ft² surface area.

By no later than the dates set forth in section 6.0 of Attachment 9 of the Consent Decree, VOC Control Technology Plan for ADM's Oilseed Plants, ADM shall upgrade its oilseed plants so that all plants have condenser systems that include, at a minimum, a dedicated "extractor condenser" for the extractor and a once-through cold water condenser following the vent condenser.

- (b) By no later than December 31, 2007, ADM shall propose in writing to the Plaintiffs in the Consent Decree, final VOC Solvent Loss Ratio (SLR) limits for this facility that satisfy the requirements of Subsection 5.2 of Attachment 9 of the Consent Decree.

Except for multi-seed plants, the capacity-weighted average of these final VOC SLR limits for the conventional soybean group shall not exceed the VOC SLR limit of 0.175 gal/ton for conventional soybean plants.

The capacity weighted average of the final VOC SLR limit for the conventional soybean group is to be calculated using the following equation:

$$\text{Conventional Soybean} = \frac{\sum (\text{Seed}_i * \text{SLR}_i)}{\sum (\text{Seed}_i)} \leq 0.175 \text{ gal/ton}$$

where: Seed_i = Crush capacity of soybean plant i ; and
 SLR_i = Final SLR Limit for soybean plant i .

The capacity-weighted averages shall be based on the design capacity for each plant that has been approved by the Plaintiffs under Paragraph 68 of the Consent Decree. For purposes of the Consent Decree, design capacity is the "maximum permitted crush capacity" that a plant is allowed to process in a given time period under its operating permit; or, if no limit is included in the operating permit, the plant's maximum physical capacity. This number is expressed as "tons of crush per day."

Note the maximum crush capacity of the oil extraction process at this source is confidential trade secret information.

- (c) To demonstrate compliance with the final VOC SLR limits at this oilseed plant, ADM shall:
- (1) maintain the records required by 40 CFR Part 63, Subpart GGGG on solvent loss and quantity of oilseed processed; and
 - (2) maintain the records required by 40 CFR Part 63, Subpart GGGG, for any malfunction period as defined in Section 8.0 of Attachment 9 of the Consent Decree.
- (d) Compliance with the interim and final VOC SLR limits in the Consent Decree shall be determined in accordance with 40 CFR Part 63, Subpart GGGG, with the following exceptions:
- (1) provisions pertaining to HAP content shall not apply;
 - (2) monitoring and recordkeeping of solvent losses at the plant shall be conducted daily;
 - (3) solvent losses and quantities of oilseed processed during startup and shutdown periods shall not be excluded in determining solvent losses; and
 - (4) records shall be kept in the form of the table included in Section 8.0 of Attachment 9 of the Consent Decree that show total solvent losses, solvent losses during malfunction periods, adjusted solvent losses (i.e., total solvent losses minus malfunction losses) monthly and on a twelve-month rolling basis.

- (e) ADM may apply the provisions of 40 CFR Part 63, Subpart GGGG pertaining to malfunction periods only when the conditions in both paragraphs (1) and (2) below are met:
- (1) The malfunction results in a total plant shutdown. For purposes of the Consent Decree, a "total plant shutdown" means a shutdown of the solvent extraction system.
 - (2) Cumulative solvent losses during malfunction periods at a plant do not exceed 4,000 gallons in a 12-month rolling period.

At all other times, ADM must include all solvent losses when determining compliance with its interim or final VOC SLR limits at this plant.

During a malfunction period, ADM shall comply with the startup, shutdown and malfunction (SSM) plan as required under Subpart GGGG for the plant. The solvent loss corresponding to a malfunction period will be calculated as the difference in the total solvent inventories for the day before the malfunction period began and the day the plant resumes normal operation.

Compliance Requirements

Permits issued under 326 IAC 2-7 are required to ensure that sources can demonstrate compliance with applicable state and federal rules on a more or less continuous basis. All state and federal rules contain compliance provisions, however, these provisions do not always fulfill the requirement for a more or less continuous demonstration. When this occurs IDEM, OAQ, in conjunction with the source, must develop specific conditions to satisfy 326 IAC 2-7-5. As a result, compliance requirements are divided into two sections: Compliance Determination Requirements and Compliance Monitoring Requirements.

Compliance Determination Requirements in Section D of the permit are those conditions that are found more or less directly within state and federal rules and the violation of which serves as grounds for enforcement action. If these conditions are not sufficient to demonstrate continuous compliance, they will be supplemented with Compliance Monitoring Requirements, also Section D of the permit. Unlike Compliance Determination Requirements, failure to meet Compliance Monitoring conditions would serve as a trigger for corrective actions and not grounds for enforcement action. However, a violation in relation to a compliance monitoring condition will arise through a source's failure to take the appropriate corrective actions within a specific time period.

The mineral oil absorber/scrubber (CE-22) has applicable compliance monitoring conditions as specified below:

- (a) The Permittee shall record the following for the scrubber used in conjunction with the oil extraction process, identified as EU38, at least once per day when the oil extraction process is in operation:
- (1) the total static pressure drop across the scrubber;
 - (2) the inlet gas temperature of the scrubber;
 - (3) the outlet gas flow rate of the scrubber; and
 - (4) the mineral oil flow rate in the scrubber.

- (b) When for any one reading, the pressure drop across the scrubber is outside the normal range of 5.0 and 15.0 inches of water or a range established during the latest stack test; the inlet gas temperature is outside the normal range of 60 and 100 degrees F or a range established during the latest stack test; the outlet gas flow rate is outside the normal range of 75 and 250 cubic feet per minute (cfm) or a range established during the latest stack test; or the mineral oil flow rate is outside the normal range of 15.0 and 25.0 gallons per minute (gpm) or a range established during the latest stack test; the Permittee shall take reasonable response steps in accordance with Section C- Compliance Response Plan - Preparation, Implementation, Records, and Reports. A pressure reading, inlet gas temperature, outlet gas flow rate, or a mineral oil flow rate that is outside the above mentioned ranges, is not a deviation from this permit. Failure to take response steps in accordance with Section C - Compliance Response Plan - Preparation, Implementation, Records, and Reports, shall be considered a deviation from this permit.

The instruments used for determining the pressure, temperature, and flow rates shall comply with Section C - Pressure Gauge and Other Instrument Specifications, of this permit, shall be subject to approval by IDEM, OAQ, and shall be calibrated at least once every six (6) months.

These monitoring conditions are necessary because the mineral oil absorber/scrubber for emission unit EU-38 must operate properly to ensure compliance with the Consent Decree, Civil Action No. 03-2066, and 326 IAC 2-7 (Part 70).

Conclusion

The operation of this soybean processing and oil refining operation shall be subject to the conditions of the attached proposed Significant Source Modification No. 023-18664-00011.

Indiana Department of Environmental Management Office of Air Quality

Addendum to the Technical Support Document for a Part 70 Significant Source Modification

Source Name:	Archer Daniels Midland Company
Source Location:	2191 West County Road, O N/S, Frankfort, Indiana 46041
County:	Clinton
SIC Code:	2075
Source Modification No.:	023-18664-00011
Permit Reviewer:	Trish Earls/EVP

On April 16, 2004 the Office of Air Quality (OAQ) had a notice published in The Times, Frankfort, Indiana, stating that Archer Daniels Midland Company required a Significant Source Modification to their Part 70 source to fulfill requirements of the Consent Decree regarding *United States v. Archer Daniels Midland Company*, Civil Action No. 03-2066. The notice also stated that OAQ proposed to issue a permit for this modification and provided information on how the public could review the proposed permit and other documentation. Finally, the notice informed interested parties that there was a period of thirty (30) days to provide comments on whether or not this permit should be issued as proposed.

On May 14, 2004, Ken Doellman of Archer Daniels Midland Company submitted comments on the proposed permit. A summary of the comments and IDEM responses is as follows (added language is in bold and deleted language is in strikeout):

Comment #1

The Consent Decree malfunction provision is only applicable to those facilities that have interim or final solvent loss limits. Therefore, please add the following statement to the beginning of the first sentence of condition D.1.3 paragraph (b) in the Significant Source Modification and in the Technical Support Document (TSD) on page 5 of 6, paragraph (e):

For plants with interim or final solvent loss limits, ADM may apply the provisions....

Response #1

Condition D.1.3(b) of the Significant Source Modification is revised as follows:

- (b) **For plants with interim or final solvent loss limits**, ADM may apply the provisions of 40 CFR Part 63, Subpart GGGG pertaining to malfunction periods only when the conditions in both paragraphs (1) and (2) below are met:
- (1) The malfunction results in a total plant shutdown. For purposes of the Consent Decree, a "total plant shutdown" means a shutdown of the solvent extraction system.
 - (2) Cumulative solvent losses during malfunction periods at a plant do not exceed 4,000 gallons in a 12-month rolling period.

At all other times, ADM must include all solvent losses when determining compliance with its interim or final VOC SLR limits at this plant.

During a malfunction period, ADM shall comply with the startup, shutdown and malfunction (SSM) plan as required under Subpart GGGG for the plant. The solvent loss corresponding to a malfunction period will be calculated as the difference in the total solvent inventories for the day before the malfunction period began and the day the plant resumes normal operation.

The OAQ prefers that the Technical Support Document reflect the permit that was on public notice. Changes to the permit or technical support material that occur after the public notice are documented in this Addendum to the Technical Support Document. This accomplishes the desired result of ensuring that these types of concerns are documented and part of the record regarding this permit decision. Paragraph (e) under the Consent Decree requirements now reads as follows:

- (e) **For plants with interim or final solvent loss limits**, ADM may apply the provisions of 40 CFR Part 63, Subpart GGGG pertaining to malfunction periods only when the conditions in both paragraphs (1) and (2) below are met:
- (1) The malfunction results in a total plant shutdown. For purposes of the Consent Decree, a "total plant shutdown" means a shutdown of the solvent extraction system.
 - (2) Cumulative solvent losses during malfunction periods at a plant do not exceed 4,000 gallons in a 12-month rolling period.

At all other times, ADM must include all solvent losses when determining compliance with its interim or final VOC SLR limits at this plant.

During a malfunction period, ADM shall comply with the startup, shutdown and malfunction (SSM) plan as required under Subpart GGGG for the plant. The solvent loss corresponding to a malfunction period will be calculated as the difference in the total solvent inventories for the day before the malfunction period began and the day the plant resumes normal operation.

Comment #2

Technical Support Document - Enforcement Issue Section and Consent Decree Requirements Section:

These two sections state that ADM made modifications at the plant that violated the PSD rules and that the Consent Decree addresses claims for violations of the PSD rules. The Consent Decree does settle the complaints that were lodged by the USEPA, Department of Justice and several state and local environmental agencies. As stated in the Consent Decree, ADM did not admit the violations alleged in the complaints.

These two sections should not state as a fact that ADM made modifications that violated the PSD rules, but rather that the State alleges that ADM made modifications that violated the PSD rules.

Response #2

As stated above, the OAQ prefers that the Technical Support Document reflect the permit that was on public notice. Changes to the permit or technical support material that occur after the public notice are documented in this Addendum to the Technical Support Document. This accomplishes the desired result of ensuring that these types of concerns are documented and part of the record regarding this permit decision.

Since the violations are stated to be alleged violations by the Plaintiffs in the Consent Decree, the Enforcement Issues section and the second paragraph under the Consent Decree Requirements section now read as follows:

Enforcement Issue

- (a) IDEM is aware that modifications were made to the source that exceeded the applicability thresholds for 326 IAC 2-2 (Prevention of Significant Deterioration (PSD)) without obtaining the proper approvals.
- (b) On April 9, 2003, a proposed Consent Decree in *United States v. Archer Daniels Midland Company*, Civil Action No. 03–2066 was lodged with the United States District Court for the Central District of Illinois. The Consent Decree addresses claims for **alleged** violations of the Prevention of Significant Deterioration (PSD) and New Source Performance Standards (NSPS) requirements of the Clean Air Act pursuant to section 113(b) of the Clean Air Act (Act) at 52 plants in 16 states. This source is one of the 52 plants. Under the terms of the Consent Decree, ADM will install state-of-the-art air pollution controls on hundreds of units, shut down older, dirty units and accept restrictive emission limits on others. In addition ADM will meet the applicable requirements of the NSPS, 40 CFR part 60, Subparts Db, Dc, DD, and Kb for boilers, grain elevators, and storage tanks.

As stated in the consent decree, “Satisfaction of all of the requirements of this Consent Decree constitutes full settlement of and shall resolve all past civil and administrative liability of ADM to the Plaintiffs for the violations alleged in the Plaintiffs’ Complaints and all civil and administrative liability of ADM for any violations at its plants listed herein based on facts and events that occurred during the relevant time period.” This means that compliance with the requirements of the consent decree will satisfy the requirements of 326 IAC 2-2 (PSD).

Consent Decree Requirements

326 IAC 2-2 (Prevention of Significant Deterioration (PSD))

This source is a major PSD source. When the hexane solvent oil extraction process (EU38) was constructed in 1985, this existing source was already a major PSD source. However, since the existing units at the source were all constructed prior to 1980, they were not subject to the requirements of this rule. Since VOC emissions from the oil extraction process were greater than 250 tons per year, the installation of that process was a significant modification and was subject to the requirements of the rule. However, since the unit was not permitted, the violation was not previously discovered.

On April 9, 2003, a proposed Consent Decree in *United States v. Archer Daniels Midland Company*, Civil Action No. 03–2066 was lodged with the United States District Court for the Central District of Illinois. The Consent Decree addresses claims for **alleged** violations of the Prevention of Significant Deterioration (PSD) and New Source Performance Standards (NSPS) requirements of the Clean Air Act pursuant to section 113(b) of the Clean Air Act (Act) at 52 plants in 16 states. The Complaint alleges that ADM routinely underestimated its VOC emissions from corn processing and ethanol production units and modified and expanded its oilseed plants without obtaining appropriate pre-construction permits and installing air pollution control equipment.