



November 13, 2019

Denly Agri Service, Inc.
Attn: Robert Denly
P.O. Box 128
201 South 7th Street
Farmington, IA 52755

Elaine Gray, Registered Agent
1023 G Avenue
Fort Madison, IA 52627

Subject: Visible Emissions (Opacity), 567 IAC 23.3(2)"d"(455B)
Best Management Practices (BMP's), 567 IAC 22.10(3)"a"(2)
Fugitive Emissions, 567 IAC 23.3(2)"c"

RE: Complaint #27605 – Excessive Visible Emissions (Dust)
Facility ID: 89-02-005
State ID: #311385141

Facility: Denly Agri Service, Inc.
P.O. Box 128
201 South 7th Street
Farmington, IA 52755

Dear Mr. Denly & Ms. Gray:

This letter is a follow up to the complaint investigation that occurred on November 7, 2019. Per the complaint, the facility was in the process of removing grain from the bins and were generating a large amount of dust that was impacting the complainant's property. During the investigation Field Staff met with Mr. Cody Denly, who indicated he was an employee and the owner's son; and Mr. Kirby Fry, who also indicated he was an employee. Another gentleman arrived during the visit, but his identity was not determined.

During the visit it was explained that the facility was listed with the department as a Group 1 Grain Elevator; and therefore, required to implement best management practices to control dust. Mr. Cody Denly was provided copies of the Air Permitting Requirements for Group 1 Grain Elevators and Best Management Practices. As the conversation continued, the following was also discussed:

➤ Selling or Transferring Ownership –

It was indicated that the facility is closing and maybe sold. If the facility is sold or transferred, the current owner is required to notify the new owner that they would be subject to the requirements for a Group 1 Grain Elevator; in addition to notifying the new owner, notification also needs to be submitted to the department.

➤ Demolition of the Facility –

As a commercial entity, the facility is subject to NESHAP rules regarding asbestos and demolition. Therefore, if the facility or any part of it is renovated and/or demolished, the owners need to conduct a thorough inspection for asbestos and provide a demolition notice to the department prior to commencing the work.

Observations of the area indicated dust was migrating off site. It was noted that there was:

1. Dust on the several of the facilities buildings and grain bins.
2. Dust on the neighbor's property.
3. No controls on the grain vac to control dust.

Photographs were taken to document observations:

The rules regarding Grain 1 Elevators are summarized as follows:

Visible Emissions (Opacity):

Paragraph 567 Iowa Administrative Code 23.3(2)"d" states that no person shall allow, cause or permit the emission of visible air contaminants into the atmosphere from any equipment, internal combustion engine, premise fire, open fire or stack, equal to or in excess of 40 percent opacity or that level specified in a construction permit, except as provided below and in 567—Chapter 24.

Best Management Practices Requirements:

Subparagraph 567 Iowa Administrative Code 22.10(3)"a"(2) states that the owner or operator of a Group 1 facility shall implement best management practices (BMP) for controlling air pollution at the facility and for limiting fugitive dust at the facility from crossing the property line. The current BMP document, adopted by the Environmental Protection Commission on July 15, 2014, is attached to this letter. The Group 1 Grain Elevator Registration for the site also is attached, and requires that:

The owner or operator of a Group 1 facility shall implement best management practices (BMP) for controlling air pollution at the facility and for limiting fugitive dust at the facility from crossing the property line.

Specifically regarding grain vacuuming operations, the BMP requires that:

Grain vac operators must employ best management practices as necessary to reasonably prevent the discharge of visible emissions of fugitive dusts beyond the lot line of the property on which the grain vac is being operated.

Examples of possible control techniques are included in the BMP.

DNR solid waste disposal rules, DNR open burning rules, and requirements for Grain 1 Elevators are attached to this letter. Therefore, to ensure compliance with the rules:

- Ensure BMP's are implemented to prevent exceedance of the 40% visible emission standard from any equipment, and to prevent visible emissions generated by the facility from crossing property lines.
- Ensure all solid waste from this facility is properly disposed of in accordance with the solid waste rules. Do not burn or bury waste unless allowed by a specific exemption or variance; and in accordance with the rules.
- Prior to the demolition/renovation **of any agricultural or commercial structure**, contact the DNR Air Quality Bureau to determine whether the rules regarding asbestos and demolition apply, and/or the proper procedures for demolition notification and asbestos inspection and/or removal. This facility has operated as a commercial facility, and is subject to the asbestos NESHAP regulation. You may contact the following people for assistance:
 - Tom Wuehr can be reached at 515-725-9576; or email Tom.Wuehr@dnr.iowa.gov.
 - Nathan Stueve can be reached at 515-725-9581; or email nathan.stueve@dnr.iowa.gov

For additional information regarding air quality and solid waste the following resources are available:

1. Solid Waste -

<http://www.iowadnr.gov/InsideDNR/RegulatoryLand/SolidWaste.aspx>
<http://www.iowadnr.gov/Environment/LandStewardship/WasteManagement/Residential/IllegalDumping.aspx>

2. Air Quality -

<http://www.iowadnr.gov/idnr/Environment/AirQuality/OpenBurning.aspx>
<http://www.iowadnr.gov/Environmental-Protection/Air-Quality/Asbestos-Training-Fires>

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Please be advised that failure to comply with the aforementioned regulations may result in referral to the Departments Legal Service Bureau for further enforcement to include monetary penalties.

Sincerely,

FIELD SERVICES & COMPLIANCE BUREAU



Mark Heiderscheit
Environmental Specialist
Iowa Department of Natural Resources
1023 West Madison, Washington, IA 52353
Phone: 319-653-2135 | Fax: 319-653-2856
Mark.Heiderscheit@dnr.iowa.gov

Encl: Air Permitting Requirements for Group 1 Grain Elevators
Best Management Practices for Grain Elevators
Open Burn & Dump Rules

MRH:\aq\cmplt\snov\2019\Denly Agri Services - Investigation Memo - 11-12-2019
Picture Filenames: Denly Agri Services - Complaint 27605 - 11-07-2019 - 1 through 13 plus 1 video.

xc: AQ Bureau, Attn: Reid Bermel via e-mail
Complainant
Facility File - AQ Files