IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE CONSENT ORDER

IN THE MATTER OF: **VAN DIEST SUPPLY COMPANY** Webster City, Iowa	ADMINISTRATIVE CONSENT ORDER NO. 2016-AQ-04

TO: Van Diest Supply Company
Lee Trask, Vice President of Manufacturing
1434 220th Street
P.O. Box 610
Webster City, Iowa 50595

I. SUMMARY

This administrative consent order is entered into between Van Diest Supply Company (Van Diest) and the Iowa Department of Natural Resources (DNR) for the sole purpose of creating an enforceable compliance schedule for the one year extension to achieve compliance with the National Emission Standards for Hazardous Air Pollutants (NESHAP), Subpart FFFF for Miscellaneous Organic Chemical Manufacturing (MON).

Any questions regarding this administrative consent order should be directed to:

Kelli Book
DNR – Legal Services
7900 Hickman Road, Suite 1
Windsor Heights, Iowa 50324
(515) 725-9572

II. JURISDICTION

The administrative consent order is issued pursuant to the provisions of Iowa Code sections 455B.134(9) and 455B.138(1) which authorize the director to issue any order necessary to secure compliance with or prevent a violation of Iowa Code Chapter 455B, Division II (air quality), and the rules promulgated or permits issued pursuant to that part.

III. STATEMENT OF FACTS

1. Van Diest is a distributor and formulator of agricultural chemicals. The SIC code for Van Diest lists the facility as a chemical manufacturer. Some of the emission sources at the facility include chemical reactors, storage tanks, mixing tanks, haul roads, boilers, and an incinerator.

2. Existing sources (sources which commenced construction or reconstruction before April 4, 2002) were required to comply with the MON NESHAP no later than May 10, 2008. On October 14, 2013, Van Diest notified the DNR that it was potentially in violation of the MON NESHAP since the initial notification date of May 10, 2008. The facility did not have federally enforceable limits in place to restrict Hazardous Air Pollutants (HAP) emissions below the major source threshold.

3. Through negotiations and for the purposes of achieving compliance, Van Diest elected major source HAP status for the facility through a June 28, 2013 letter to DNR. With this election, Van Diest would achieve compliance with the applicable MON NESHAP requirements by June 28, 2016. The compliance deadline of three years is in accordance with 40 CFR 63.6(c)(1)&(5).

4. On February 29, 2016, Van Diest's environmental consultant sent a letter to DNR indicating that Van Diest would not be able to meet the June 28, 2016 MON deadline for the installation of control equipment and associated monitoring devices. The consultant requested a one-year extension for the installation of control equipment and associated monitoring devices pursuant to 40 CFR 63.6(i)(4)(i)(A).

5. On March 29, 2016, DNR issued a letter to Van Diest granting the one-year extension. The letter included a compliance schedule and indicated the compliance extension termination date is June 28, 2017.

IV. ORDER

THEREFORE, the DNR and Van Diest agree to the following:

1. By June 15, 2016, Van Diest shall complete the determination of the processes subject to the MON and control requirements, and submit a written status report of the determination to the DNR Air Quality Bureau;

2. By July 15, 2016, Van Diest shall complete the selection of the control equipment, and submit a written status report indicating the control equipment selected by Van Diest to the DNR Air Quality Bureau by July 15, 2016;

3. By August 1, 2016, Van Diest shall submit all required construction permit applications for the control equipment;

4. By December 1, 2016, Van Diest shall have entered into contractual obligations to construct and install the control equipment;

5. By December 28, 2016, Van Diest shall submit a MON precompliance report to the DNR Air Quality Bureau;

6. By March 1, 2017, Van Diest shall submit a construction progress report to the DNR Air Quality Bureau;

7. By June 1, 2017, Van Diest shall complete the construction and installation of the control equipment;

8. By June 28, 2017, Van Diest shall achieve final compliance with the MON NESHAP;

9. By September 26, 2017, Van Diest shall submit notification of MON performance testing to the DNR Air Quality Bureau. The notification must be submitted 60 days prior to the performance testing;

10. By November 25, 2017, Van Diest shall complete MON performance testing;

11. By November 25, 2017, Van Diest shall submit MON notification of compliance status to the DNR Air Quality Bureau; and

12. By February 28, 2018, Van Diest shall submit the MON semi-annual compliance report to the DNR Air Quality Bureau.

In accordance with 40 CFR 63.6(i)(14), DNR may terminate the one year extension at a date earlier than June 28, 2017 if any of the specifications of the compliance plan are not met.

V. RESERVATION OF RIGHTS

This administrative consent order is entered into for the sole purpose of creating an enforceable compliance schedule for Van Diest for the one year extension to achieve compliance with the MON NESHAP. DNR reserves the right to bring enforcement action or to pursue referral to the Attorney General, to obtain injunctive relief and penalties or fines, pursuant to Iowa Code section 455B.146 or 455B.146A, if compliance with the MON NESHAP is not achieved in accordance with the above-mentioned compliance schedule.

VI. WAIVER OF APPEAL RIGHTS

This administrative consent order is entered into knowingly by and with the consent of Van Diest. For that reason, Van Diest waives the right to appeal this

administrative consent order pursuant to the provisions of Iowa Code section 455B.138.

VII. NONCOMPLIANCE

Failure to comply with this administrative consent order may result in the imposition of administrative penalties or referral to the Attorney General to obtain injunctive relief and civil penalties pursuant to Iowa Code section 455B.146.

Chuck Gipp
CHUCK GIPP, Director
Iowa Department of Natural Resources

Dated this 6th day of June, 2016.

Lee Trask Lee Trask, Vice President, MG
VAN DIEST SUPPLY COMPANY

Dated this 26 day of May, 2016.

#40-01-011; DNR Field Office 2; Kelli Book; EPA.