

IN THE IOWA DISTRICT COURT FOR MUSCATINE COUNTY

STATE OF IOWA, ex rel., IOWA)
DEPARTMENT OF NATURAL)
RESOURCES (99AG23542),)

Plaintiff,)

vs.)

GRAIN PROCESSING CORPORATION,)
an Iowa Corporation,)

Defendant,)

And)

CLEAN AIR MUSCATINE, INC., an)
Iowa Nonprofit Corporation,)

Intervenor.)

LAW NO. CVCV020979

**AMENDED AND SUBSTITUTED
PETITION AT LAW**

COMES NOW Plaintiff State of Iowa, ex rel., Iowa Department of Natural Resources (IDNR) and for its claims against Defendant Grain Processing Corporation (GPC) states as follows:

INTRODUCTION

1. The IDNR seeks the assessment of civil penalties and/or injunctive relief against GPC for numerous air and water pollution control violations committed at or in relation to GPC's grain processing facility located in Muscatine, Iowa.

2. Counts I through III seek the assessment of civil penalties and injunctive relief against GPC for violations of air pollutant emission limitations contained in several Air Quality Construction Permits for particulate matter (PM), particulate matter with an aerodynamic

diameter less than or equal to 10 micrometers (PM₁₀), and/or sulfur dioxide (SO₂); and for failure to verify compliance with permit emission limits.

3. Counts IV through VI seek the assessment of civil penalties and injunctive relief against GPC for failure to maintain and operate emission units and/or control equipment to minimize emissions, and failure to remedy the cause of excess emissions in an expeditious manner within a reasonable period of time or shutdown the process during corrective action.

4. Counts VII through XIII seek the assessment of civil penalties and/or injunctive relief against GPC for failure to apply for and obtain a Prevention of Significant Deterioration (PSD) Permit and implement best available control technology (BACT), and comply with other PSD requirements, prior to making a physical change or change in the method of operation which resulted in significant net increases in emissions of PM, PM₁₀, SO₂, volatile organic compounds (VOCs), carbon monoxide (CO), and/or nitrogen oxides (NO_x).

5. Counts XIV and XIX seek the assessment of civil penalties and injunctive relief against GPC for numerous additional violations of Air Quality Construction Permit requirements including failure to perform stack testing; failure to operate required air pollution control equipment; failure to comply with operation limitations including but not limited to control equipment operational parameters, average process rate, and hours of operation; and failure to maintain continuous emission monitoring.

6. Counts XX and XXI seek the assessment of civil penalties and injunctive relief against GPC for failure to comply with capacity and vapor pressure limitations for storage tanks and failure to install and operate required air pollution controls.

7. Count XXII seeks the assessment of civil penalties and injunctive relief against GPC for failure to report actual emissions from at least 200 emission units of one or more

pollutants, including PM, PM₁₀, PM_{2.5}, SO₂, VOCs, and numerous hazardous air pollutants including but not limited to acrolein, acetaldehyde, benzene, chlorine, ethylene oxide, formaldehyde, hexane, methanol, propylene oxide, and toluene.

8. Count XXIII seeks an Order requiring GPC to accurately and completely report in its annual emission inventories (EIQs) all actual emissions of air pollutant emissions from its facility and to pay any corresponding unpaid Title V Operating Permit Fees for Emission Years 2010, 2011, and 2012.

9. Count XXIV seeks the assessment of civil penalties and injunctive relief against GPC for failure to comply with the notification, reporting and emission reduction requirements associated with the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Miscellaneous Organic Chemical Manufacturing, 40 Code of Federal Register (CFR) Part 63, Subpart FFFF (MON), as incorporated by 567 Iowa Admin. Code 23.1(4)“cf”.

10. Count XXV seeks the assessment of civil penalties and injunctive relief against GPC for failure to obtain a wastewater construction permit prior to beginning construction of its Biosolids Gravity Settler #5, a 1.9 million gallon anaerobic settler for GPC’s wastewater treatment system, and failure to provide required notice of an 800,000 gallon spill of wastewater from GPC’s #1 Digester Tank.

PARTIES

11. The State of Iowa is a sovereign state of the United States of America.

12. The IDNR is a duly constituted agency of the State of Iowa pursuant to Iowa Code section 455A.2.

13. Grain Processing Corporation is an Iowa corporation with its home office located at 1600 Oregon Street, Muscatine, Iowa 52761.

JURISDICTION

14. The Court has jurisdiction of this matter pursuant to Iowa Code sections 455B.146, 455B.191(2) and 455B.191(5).

DEFINITIONS

15. “Air contaminant” means “dust, fume, mist, smoke, other particulate matter, gas, vapor (except water vapor), odorous substance, radioactive substance, or any combination thereof.” Iowa Code § 455B.131(1).

16. “Air contaminant source” means “any and all sources of emission of air contaminants whether privately or publicly owned or operated.” Iowa Code § 455B.131(2).

17. “Air pollution” means “presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as is or may reasonably tend to be injurious to human, plant, or animal life, or to property, or which unreasonably interferes with the enjoyment of life and property.” Iowa Code § 455B.131(3).

18. “Best available control technology” or “BACT” means “an emissions limitation, including a visible emissions standard, based on the maximum degree of reduction for each regulated NSR pollutant which would be emitted from any proposed major stationary source or major modification which the reviewing authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combination techniques for control of such pollutant.” 567 Iowa Admin. Code 33.3(1).

19. “Bypass” means “the diversion of waste streams from any portion of a treatment facility or collection system. A bypass does not include internal operational waste stream

diversions that are part of the design of the treatment facility, maintenance diversions where redundancy is provided, diversions of wastewater from one point in a collection system to another point in a collection system, or wastewater backups into buildings that are caused in the building lateral or private sewer line.” 567 Iowa Admin. Code 60.2.

20. “Disposal system” means a “system for disposing of sewage, industrial waste, or other wastes” and includes “sewer systems, treatment works, point sources, dispersal systems, and any systems designed for the usage or disposal of sewage sludge.” Iowa Code § 455B.171(5); 567 Iowa Admin. Code 60.2.

21. “Emission” means “release of one or more air contaminants into the outside atmosphere.” Iowa Code § 455B.131(6).

22. “Emission limitation” and “emission standard” mean “a requirement established by a state, local government, or the [EPA] administrator which limits the quantity, rate or concentration of emissions of air pollutants on a continuous basis, including any requirements which limit the level of opacity, prescribe equipment, set fuel specifications or prescribe operation or maintenance procedures for a source to ensure continuous emission reduction.” 567 Iowa Admin. Code 20.2.

23. “Equipment” means “each pump, compressor, agitator, pressure relief device, sampling connection system, open-ended valve or line, valve, connector, and instrumentation system in regulated material service; and any control devices or systems used to comply with” Subpart UU of 40 C.F.R. Part 63. 40 C.F.R. § 63.1020.

24. “Excess emission” means “any emission which exceeds either the applicable emission standard prescribed in . . . [567 Iowa Admin. Code 23 or 22.5], or any emission limit specified in a permit or order.” 567 Iowa Admin. Code 20.2.

25. "Floating roof" means a "roof that floats on the surface of the liquid in a storage vessel. A floating roof substantially covers the stored liquid surface (but is not necessarily in contact with the entire surface), and is comprised of a deck, a rim seal, and miscellaneous deck fittings." 40 C.F.R. § 63.1061.

26. "Group 1 storage tank" means a "storage tank with a capacity greater than or equal to 10,000 gal storing material that has a maximum true vapor pressure of total HAP greater than or equal to 6.9 kilopascals at an existing source or greater than or equal to 0.69 kilopascals at a new source." 40 C.F.R. § 63.2550(i).

27. "Hazardous air pollutant," for purposes of section 112 of the federal Clean Air Act [CAA], means "any air pollutant listed pursuant to subsection (b)" of section 112 of the CAA. 42 U.S.C. § 7412(a)(6); *see also* 567 Iowa Admin. 22.100.

28. "Industrial waste" means "any liquid, gaseous, radioactive, or solid waste substance resulting from any process of industry, manufacturing, trade, or business or from the development of any natural resource." Iowa Code § 455B.171(10); 567 Iowa Admin. Code 60.2.

29. "In light liquid service" means that "a piece of equipment in regulated material service contains a liquid that meets the following conditions: (1) The vapor pressure of one or more of the organic compounds is greater than 0.3 kilopascals at 20 degrees C, (2) The total concentration of the pure organic compounds constituents having a vapor pressure greater than 0.3 kilopascals at 20 degrees C is equal to or greater than 20 percent by weight of the total process stream, and (3) The fluid is a liquid at operating conditions." 40 C.F.R. § 63.1020.

30. "In organic HAP service" means "that piece of equipment either contains or contracts a fluid (liquid or gas) that is at least 5 percent by weight of total organic HAP's as determined according to the provisions of § 63.180(d) of Subpart H." 40 C.F.R. § 63.1020.

31. "In regulated material service" means "equipment which meets the definition of . . . 'in organic hazardous air pollutant service' . . ." 40 C.F.R. § 63.1020.

32. "Major modification," for purposes of the PSD program, means "any physical change in or change in the method of operation of a major stationary source that would result in a significant emissions increase of a regulated NSR pollutant and a significant net emissions increase of that pollutant from the major stationary source." 567 Iowa Admin. 33.3(1).

33. "Major source," for purposes of section 112 of the CAA, means "any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants." 42 U.S.C. § 7412(a)(1).

34. "Major stationary source," for purposes of the PSD program, means any of several designated "stationary sources of air pollutants which emits, or has the potential to emit, 100 tons per year or more of any regulated NSR pollutant" or "any stationary source which emits, or has the potential to emit, 250 tons per year or more of a regulated NSR pollutant." 567 Iowa Admin. Code 33.3(1).

35. "Miscellaneous organic chemical manufacturing process" means "all equipment which collectively function to produce a product or isolated intermediate that are materials described in" 40 C.F.R. section 63.2435(b). 40 C.F.R. § 63.2550(i).

36. "Net emissions increase" means "with respect to any regulated NSR pollutant emitted by a major stationary source, the amount by which . . . the increase in emissions from a particular physical change or change in the method of operation at a stationary source . . . and any other increases or decreases in actual emissions at the major stationary source that are

contemporaneous with the particular change and are otherwise creditable” exceeds zero. 567 Iowa Admin. Code 33.3(1).

37. “Point source” means “any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit . . . from which pollutants are or may be discharged.” Iowa Code § 455B.171(19); 567 Iowa Admin. Code 60.2.

38. “Pollutant” means “sewage, industrial waste, or other waste.” Iowa Code § 455B.171(20); 567 Iowa Admin. Code 60.2.

39. “Potential to emit” means the “maximum capacity of a stationary source to emit a pollutant under its physical and operational design as defined in rules adopted by the department [IDNR].” Iowa Code § 455B.131(11); *see* 567 Iowa Admin. Code 20.2.

40. “Process” means “any action, operation or treatment, and all methods and forms of manufacturing or processing, that may emit smoke, particulate matter, gaseous matter or other air contaminant.” 567 Iowa Admin. Code 20.2.

41. “Regulated NSR pollutant” means “1. Any pollutant for which a national ambient air quality standard has been promulgated and any constituents or precursors for such pollutants identified by the Administrator . . . ; 2. Any pollutant that is subject to any standard promulgated under Section 111 [New Source Performance Standards] of the Act [federal Clean Air Act]; 3. Any Class I or Class II substance subject to a standard promulgated under or established by Title VI [Stratospheric Ozone Protection] of the Act; or 4. Any pollutant that otherwise is subject to regulation under the Act as defined in 33.3(1), definition of “subject to regulation.” 567 Iowa Admin. Code 33.3(1).

42. “Shutdown” means the “cessation of operation of any control equipment or process equipment or process for any purpose.” 567 Iowa Admin. Code 20.2.

43. “Significant” means “[i]n reference to a net emissions increase or the potential of a source to emit” emissions that would equal or exceed *inter alia* 25 tons per year (tpy) of particulate matter (PM), 15 tpy of particulate matter with an aerodynamic diameter less than or equal to 10 micrometers (PM₁₀), 40 tpy of sulfur dioxide (SO₂), 40 tpy of volatile organic compounds (VOCs), 40 tpy of nitrogen oxides (NO_x), or 100 tpy of carbon monoxide (CO). 567 Iowa Admin. Code 33.3(1).

44. “Significant emissions increase” means “for a regulated NSR pollutant, an increase in emissions that is significant for that pollutant.” 567 Iowa Admin. Code 33.3(1).

45. “Stationary source” means “any building, structure, facility, or installation which emits or may emit a regulated NSR pollutant.” 567 Iowa Admin. 33.3(1); *see also* 567 Iowa Admin. Code 20.2.

46. “Storage vessel” or “Tank” means a “stationary unit that is constructed primarily of non-earthen materials (such as wood, concrete, steel, fiberglass, or plastic) which provide structural support and is designed to hold an accumulation of liquids or other materials.” 40 C.F.R. § 63.1061.

47. “Treatment works” means “any plant, disposal field, lagoon, holding or flow-regulating basin, pumping station, or other works installed for the purpose of treating, stabilizing, or disposing of sewage, industrial waste, or other wastes.” Iowa Code § 455B.171(37).

48. “Water of the state” means “any stream, lake, pond, marsh, watercourse, waterway, well, spring, reservoir, aquifer, irrigation system, drainage system, and any other body or accumulation of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof.” Iowa Code § 455B.171(39); 567 Iowa Admin. Code 60.2.

49. "Water pollution" means the "contamination or alteration of the physical, chemical, biological, or radiological integrity of any water of the state by a source resulting in whole or in part from the activities of humans, which is harmful, detrimental, or injurious to public health, safety, or welfare, to domestic, commercial, industrial, agricultural, or recreational use or to livestock, wild animals, birds, fish, or other aquatic life." Iowa Code § 455B.171(40).

AIR POLLUTION CONTROL REQUIREMENTS

50. The IDNR is a state agency with the duty to prevent, abate, or control air pollution. Iowa Code § 455B.132. The specific administrative and enforcement duties of the IDNR Director relating to air pollution control are contained, in part, in Iowa Code sections 455B.134(1)-(14).

51. The IDNR director is authorized to grant construction or operation permits for new, modified, or existing air contaminant sources and for related control equipment. Iowa Code § 455B.134(3).

52. The Iowa Environmental Protection Commission (EPC) is authorized to adopt rules for the evaluation, abatement, control, and prevention of air pollution. Iowa Code § 455B.133(2). The rules may include those that are necessary to obtain approval of the state implementation plan (SIP) under section 110 [42 U.S.C. § 7410] of the federal Clean Air Act. *Id.* Air pollution control rules are contained in 567 Iowa Admin. Code chapters 20-29, 31, and 33-35.

53. A permit may be issued subject to conditions which shall be specified in writing including but not limited to emission limits, operating conditions, fuel specifications, compliance testing, continuous monitoring, and excess emission reporting. 567 Iowa Admin. Code 22.3(3).

54. An incident of excess emission, other than during startup, shutdown or cleaning of control equipment, is a violation. 567 Iowa Admin. Code 24.1(4).

55. If excess emissions are occurring, either the control equipment causing the excess emission shall be repaired in an expeditious manner or the process generating the emissions shall be shutdown within a reasonable period of time. An expeditious manner is the time necessary to determine the cause of the excess emissions and to correct it within a reasonable period of time. A reasonable period of time is eight hours plus the period of time required to shut down the process without damaging the process equipment or control equipment. 567 Iowa Admin. Code 24.1(4).

56. The owner or operator of any equipment or control equipment shall maintain and operate the equipment or control equipment at all times in a manner consistent with good practice for minimizing emissions. 567 Iowa Admin. Code 24.2(1)“a”.

57. The owner or operator of any equipment or control equipment shall remedy any cause of excess emissions in an expeditious manner. 567 Iowa Admin. Code 24.2(1)“b”.

58. The owner or operator of any equipment or control equipment shall minimize the amount and duration of any excess emission to the maximum extent possible during periods of such emissions. 567 Iowa Code 24.2(1)“c”.

59. If any order, permit or rule of the IDNR is being violated, the Attorney General shall, at the request of the IDNR director, institute a civil action in any district court for injunctive relief to prevent any further violation of the order, permit, or rule, or for the assessment of a civil penalty as determined by the court, not to exceed Ten Thousand Dollars (\$10,000.00) per day for each day such violation continues, or both such injunctive relief and civil penalty. Iowa Code § 455B.146.

Prevention of Significant Deterioration (PSD) Requirements

60. The federal Clean Air Act requires the EPA to establish National Ambient Air Quality Standards (NAAQS). 42 U.S.C. § 7409(a)(1). Primary and secondary NAAQS are prescribed to protect the public health and welfare, respectively. 42 U.S.C. §§ 7409(b)(1) and (2); 40 C.F.R. § 50.2(b). Primary and secondary NAAQS have been adopted for sulfur oxides (sulfur dioxide) (SO₂), particulate matter with an aerodynamic diameter less than or equal to 10 micrometers (PM₁₀), particulate matter with an aerodynamic diameter less than or equal to 2.5 micrometers (PM_{2.5}), nitrogen oxides (NO_x), carbon monoxide (CO), ozone, and lead (Pb). 40 C.F.R. §§ 50.4-50.13, and 50.15-50.17. All areas of the State of Iowa are currently designated as being in attainment or unclassifiable for each primary and secondary NAAQS for SO₂, PM₁₀, NO_x, CO, and Ozone. 40 C.F.R. § 81.316.

61. For areas which are designated in attainment with NAAQS or unclassifiable, the federal Clean Air Act includes a program to prevent significant deterioration (PSD) of air quality. 42 U.S.C. §§ 7470-7479. Preconstruction requirements are imposed on any major emitting facility to prevent significant deterioration of the air quality. 42 U.S.C. § 7475.

62. EPA rules implementing the PSD program are contained, in part, in 40 C.F.R. section 52.21. The EPA has approved the State of Iowa's program to implement PSD permit requirements. 52 Fed.Reg. 23981 (1987).

63. No person shall construct, install, reconstruct, or alter any equipment or control equipment without first obtaining a construction permit or permits required pursuant to 567 Iowa Admin. Code 22.4. 567 Iowa Admin. Code 22.1(1).

64. For major stationary sources located in areas designated attainment or unclassified, as applicable, the owner or operator of a stationary source shall comply with the

rules for prevention of significant deterioration (PSD) as set forth in 567 Iowa Admin. Code 33.3(10) through 33.3(18) apply to the construction of any new major stationary source or the major modification of any existing major stationary source, except as the PSD rules otherwise provide. 567 Iowa Admin. Code 33.3(2)“a”.

65. The requirements of 567 Iowa Admin. Code 33.3(10) through 33.3(18) apply to the construction of any new major stationary source or the major modification of any existing major stationary source, except as the PSD rules otherwise provide. 567 Iowa Admin. Code 33.3(2)“a”.

66. No new major stationary source or major modification shall begin construction without a permit that states that the major stationary source or major modification will meet the requirements of 567 Iowa Admin. Code 33.3(10) through 33.3(18)“e”. 567 Iowa Admin. Code 33.3(2)“b”.

67. A new major stationary source shall apply best available control technology for each regulated NSR pollutant that it would have the potential to emit in significant amounts. 40 C.F.R. § 52.21(j)(2), as incorporated by 567 Iowa Admin. Code 33.3(10).

68. A major modification shall apply the best available control technology for each regulated NSR pollutant for which it would result in a significant net emissions increase at the source, as a result of a physical change or change in the method of operation of the emissions unit. 40 C.F.R. § 52.21(j)(3), as incorporated by 567 Iowa Admin. Code 33.3(10).

69. The owner or operator of a proposed source or modification shall demonstrate that allowable emission increases from the proposed source or modification, in conjunction with all other applicable emissions increases or reductions, would not cause or contribute to air pollution in violation of any NAAQS or any maximum allowable increase over the baseline concentration in any area. 40 C.F.R. §§ 52.21(k)(1)(i) and (ii), as incorporated by 567 Iowa Admin. Code 33.3(11).

70. Any PSD application shall contain an analysis of ambient air quality in the area that the major stationary source or major modification would affect for each pollutant as follows: for the source, each pollutant that it would have the potential to emit in a significant amount, and for the modification, each pollutant for which it would result in a significant net emissions increase. 40 C.F.R. § 52.21(m)(1)(i)(a) and (b), as incorporated by 567 Iowa Admin. Code 33.3(13).

71. The owner or operator of a proposed source or modification shall submit a detailed description of what system of continuous emission reduction is planned for the modification, emission estimates, and any other information necessary to determine that best available control technology would be applied. 40 C.F.R. § 52.21(n)(1)(iii), as incorporated by 567 Iowa Admin. Code 33.3(14).

72. The owner or operator shall provide an analysis of the impairment to visibility, soils and vegetation that would occur as a result of the source or modification and general commercial, residential, industrial and other growth associated with the modification. 40 C.F.R. § 52.21(o)(1), as incorporated by 567 Iowa Admin. Code 33.3(15).

73. The owner or operator shall provide an analysis of the air quality impact projected for the area as a result of the general commercial, residential, industrial and other growth associated with the source or modification. 40 C.F.R. § 52.21(o)(2), as incorporated by 567 Iowa Admin. Code 33.3(15).

74. Any owner or operator who constructs or operates a source or modification not in accordance with the application pursuant to the provisions in rule 567 Iowa Admin. Code 33.3 or with the terms or any approval to construct, or any owner or operator of a source or modification subject to the provisions in rule 567 Iowa Admin. Code 33.3 who commences construction after

April 15, 1987 (the effective date of Iowa's PSD program), without applying for and receiving department approval, shall be subject to appropriate enforcement action. 567 Iowa Admin. Code 33.3(18)(c).

Emission Inventory Requirements

75. Annual emission inventories, also known as Emission Inventory Questionnaires or EIQs, are required to be submitted by any person required to obtain a Title V Operating Permit. 567 Iowa Admin. Code 22.106(1) and 22.106(3)“b”.

76. Actual emissions of pollutants are to be documented by submitting to the IDNR a Form 4.0 “Emission Unit-actual operations and emissions” for each emission unit. 567 Iowa Admin. Code 22.106(3)“b”, and by the applicable Title V Operating Permit.

77. EIQs are due on or before March 31 documenting actual emissions for the previous calendar year. 567 Iowa Admin. Code 22.106(3)“b”.

Title V Operating Permit Fees

78. The EPC is authorized to impose fees, including fees upon regulated pollutants emitted from an air contaminant source, in an amount sufficient to cover all reasonable costs, direct and indirect, required to develop and administer the Title V Operating Permit program. Iowa Code § 455B.133(8)(a).

79. Title V Operating Permit fees collected shall be deposited in the air contaminant source fund created pursuant to Iowa Code section 455B.133B, and shall be utilized solely to cover all reasonable costs required to develop and administer the Title V Operating Permit program. Iowa Code § 455B.133(8)(a).

80. Any person required to obtain a Title V operating permit shall pay an annual fee based on the total tons of actual emissions of each regulated air pollutant. The fee shall be based

on actual emissions required to be included in the Title V Operating Permit application and the annual emissions statement for the previous calendar year. 567 Iowa Admin. Code 22.106(1).

81. The fee amount shall be calculated based on the first 4,000 tons of each regulated air pollutant or contaminant emitted each year from each major source. 567 Iowa Admin. Code 22.106(2).

82. The fee shall be submitted annually by July 1. For emissions located outside of Polk and Linn Counties, the fee shall be submitted to the IDNR with Form 5.0 "Title V annual emissions summary/fee". 567 Iowa Admin. Code 22.106(3)"a".

New Source Performance Standards (NSPS) Requirements

83. 40 C.F.R. Part 60, Subpart A, contains General Provisions relating to New Source Performance Standards (NSPS).

84. The EPC has adopted 40 C.F.R. Part 60, Subpart A, by reference in 567 Iowa Admin. Code 23.1(2).

85. Each owner or operator subject to an NSPS required to install a continuous monitoring device shall submit excess emissions and monitoring systems performance reports. 40 C.F.R. § 60.7(c).

86. 40 C.F.R. Part 60, Subpart Db, contains New Source Performance Standards for Industrial-Commercial-Institutional Steam Generating Units.

87. The EPC has adopted 40 C.F.R. Part 60, Subpart Db, by reference in 567 Iowa Admin. Code 23.1(2)"ccc".

88. Each steam generating unit for which construction, reconstruction, or modification commenced after June 19, 1984, and has a heat input capacity of more than 100

MMBtu/hr is subject to the requirements of 40 C.F.R. Part 60, Subpart Db. 40 C.F.R. § 60.40b(a).

89. NSPS emission limits for NO_x from steam generating units subject to Subpart Db are contained in 40 C.F.R. section 60.44b.

90. The owner or operator of a steam generating unit subject to Subpart Db must install, calibrate, maintain and operate a continuous emissions monitoring system (CEMS) for measuring NO_x emissions discharged to the atmosphere and record the output of the system. 40 C.F.R. § 60.48b(b)(1).

91. 40 C.F.R. Part 60, Subpart Kb, contains New Source Performance Standards for Volatile Organic Liquid Storage Vessels (including Petroleum Storage Vessels).

92. The EPC has adopted 40 C.F.R. Part 60, Subpart Kb, by reference in 567 Iowa Admin. Code 23.1(2)“ddd”.

93. The owner or operator of a storage vessel constructed, reconstructed, or modified after July 23, 1984, with a design capacity greater than or equal to 39,889 gallons containing a volatile organic liquid that as stored had a maximum true vapor pressure equal to or greater than 5.2 kPa but less than 76.6 kPa, shall equip the storage vessel with an internal floating roof, external floating roof, or a closed vent system and control device. 40 C.F.R. § 60.112b(a)(1)-(3).

Miscellaneous Organic Chemical Manufacturing (MON) Requirements

94. 40 C.F.R. Part 63, Subpart FFFF, for Miscellaneous Organic Chemical Manufacturing (MON) regulates hazardous air pollutants emitted from miscellaneous organic chemical manufacturing process units at major sources of hazardous air pollutants.

95. The EPC has adopted 40 C.F.R. Part 63, Subpart FFFF, by reference in 567 Iowa Admin. Code 23.1(4)“cf”.

96. A source is subject to MON if the source owns or operates miscellaneous organic chemical manufacturing process units (MCPU) that are located at, or are part of, a major source of hazardous air pollutants (HAP) emissions as defined in section 112(a) of the CAA. 40 C.F.R. § 63.2435(a).

97. An "MCPU" refers to a miscellaneous organic chemical manufacturing process unit and includes equipment necessary to operate a process that satisfies all of the conditions specified in 40 C.F.R. sections 63.2435(b)(1)-(3). 40 C.F.R. § 63.2435(b).

98. 40 C.F.R. section 63.2435(b)(1) requires that an MCPU produce material or a family of materials described in one of subsections 63.2435(b)(1)(i)-(v).

99. 40 C.F.R. section 63.2435(b)(1)(ii) includes an organic chemical(s) classified using the 1997 version of NAICS [North American Industry Classification System] code 325.

100. 40 C.F.R. section 63.2435(b)(2) requires that an MCPU process, use, or generate any of the organic HAPs listed in section 112(b) of the CAA.

101. 40 C.F.R. section 63.2435(b)(3) provides that in order for a process to be an MCPU it must not be an affected source or part of an affected source under another subpart of part 63, except for certain process vents from batch operations within a chemical manufacturing process unit (CMPU).

102. A source existing on November 10, 2003, must comply with the MON requirements for existing sources no later than May 10, 2008. 40 C.F.R. § 63.2445(b).

103. A source subject to MON must comply with the emission limits and work practice standards in Tables 1 through 7 of Subpart FFFF of Part 63 at all times, except during periods of startup, shutdown, or malfunction. 40 C.F.R. § 63.2450(a).

104. A source subject to MON must submit its initial notification 120 calendar days

after November 10, 2003 [by March 9, 2004]. 40 CFR §§ 63.2445(c) and 63.2515(b)(1). The initial notification must provide the information specified in 40 C.F.R. sections 63.9(b)(2)(i)-(v).
Id.

105. A source subject to MON must comply with the reporting requirements contained in Table 11 of 40 C.F.R. Part 63, Subpart FFFF. 40 C.F.R. § 63.2520(a).

106. A source subject to MON must submit a notification of compliance status report no later than 150 days after the applicable compliance date specified in 40 C.F.R. section 63.2445 [by October 7, 2008]. 40 CFR § 63.2520(d)(1) and Table 11 of Subpart FFFF. The notification of compliance status report must provide the information specified in 40 C.F.R. sections 63.2520(d)(2)(i)-(ix). 40 C.F.R. § 63.2520(d)(2) and Table 11 of Subpart FFFF.

107. The notification of compliance status report must include any applicability determinations, emission calculations, or analyses used to identify and quantify HAP usage or HAP emissions from the affected source. 40 C.F.R. § 63.2520(d)(2)(i) and Table 11 of Subpart FFFF.

108. A source subject to MON must submit a compliance report covering the period from the compliance date specified in 40 C.F.R. section 63.2445 [May 10, 2008] and ending on June 30 or December 31, whichever date is the first date following the end of the first 6 months after the compliance date [December 31, 2008]. 40 C.F.R. § 63.2520(b)(1) and Table 11 of Subpart FFFF.

109. Subsequent semi-annual compliance reports must be submitted for the period January 1 through June 30, or for the period July 1 through December 31. 40 C.F.R. § 63.2520(b)(3) and Table 11 of Subpart FFFF.

110. The first compliance report and the subsequent semi-annual compliance reports

must be submitted no later than the deadlines established by the permitting authority for submitting semi-annual reports pursuant to 40 C.F.R. section 70.6(a)(3)(iii)(A) [State Title V Operating Permit reporting requirements]. 40 C.F.R. § 63.2520(b)(5) and Table 11 of Subpart FFFF. GPC's Title V Operating Permit No. 03-TV-029, General Condition G5, requires submission of semi-annual reports on or before March 31 and September 30 of each year.

111. The compliance reports must provide the information specified in 40 C.F.R. sections 63.2520(e)(1)-(10). 40 C.F.R. § 63.2520(e) and Table 11 of Subpart FFFF.

112. A source subject to MON with Group 1 storage tanks must comply with the emission limits contained in Table 4 of Subpart FFFF. 40 C.F.R. § 63.2470(a). Table 4 provides that a Group 1 storage tank with a maximum true vapor pressure of total HAP at storage temperature less than 76.6 kilopascals may comply by meeting the requirements of Subpart WW of Part 63 [floating roof requirements] or reducing total HAP emissions through a closed vent system or a fuel gas system as specified in Table 4.

113. Subpart WW of Part 63 includes 40 C.F.R. sections 63.1060 through 63.1067.

114. The owner or operator of a storage vessel subject to Subpart WW of Part 63 must operate and maintain an internal floating roof, external floating roof, or comply with an equivalent requirement. 40 C.F.R. § 63.1062(a)(1)-(3).

115. Floating roof design and inspection requirements for a Group 1 storage tank are contained in 40 C.F.R. section 63.1063.

116. A source subject to MON must comply with the requirements in Table 6 of 40 C.F.R. Part 63. 40 C.F.R. § 63.2480(a). Table 6 of Subpart FFFF requires that equipment that is in organic HAP service must comply with the requirements of Subpart UU or Subpart H of Part 63, or with Subpart F of Part 65.

117. Subpart UU of Part 63 includes 40 C.F.R. sections 63.1019 through 63.1039.
118. Equipment subject to Subpart UU of Part 63 shall be identified. 40 C.F.R. § 63.1022(a). General identification may be on a plant site map plan, in log entries, by designation of process unit or affected facility boundaries by some form of weatherproof identification, or by other appropriate means. *Id.*
119. The owner or operator of a regulated source subject to Subpart UU shall monitor regulated equipment as specified in 40 C.F.R. sections 63.1023(a)(1)-(2). 40 C.F.R. § 63.1023(a).
120. The owner or operator shall repair each leak detected as soon as practical, but not later than 15 calendar days after it is detected, except as provided in 40 C.F.R. sections 63.1024(d) and (e). 40 C.F.R. § 63.1024(a).
121. The owner or operator shall comply with the leak detection and repair (LDAR) requirements for valves in light liquid service contained in 40 C.F.R. section 63.1025 no later than the compliance dates specified in the referencing subpart [May 10, 2008, pursuant to 40 C.F.R. § 63.2445(b)]. 40 C.F.R. § 63.1025(a)(1).
122. The owner or operator shall perform leak detection monitoring on all valves, with the frequency dependent on the number or percent of valves with leaks as specified in 40 C.F.R. sections 63.1025(b)(3) and (b)(4). 40 C.F.R. § 63.1025(b).
123. If a leak from a valve is determined, the leak shall be repaired pursuant to 40 C.F.R. section 63.1024. 40 C.F.R. § 63.1025(d)(1).
124. After a leaking valve is repaired, the valve shall be monitored as provided in 40 C.F.R. sections 63.1025(d)(2)(i)-(iii). 40 C.F.R. § 63.1025(d)(2).
125. The owner or operator shall comply with the leak detection and repair (LDAR)

requirements for pumps in light liquid service contained in 40 C.F.R. section 63.1026 no later than the compliance dates specified in the referencing subpart [May 10, 2008, pursuant to 40 C.F.R. § 63.2445(b)]. 40 C.F.R. § 63.1026(a).

126. The owner or operator shall perform monthly leak detection monitoring on pumps as provided in 40 C.F.R. section 63.1023. 40 C.F.R. § 63.1026(b)(1).

127. Each pump shall be checked by visual inspection each calendar week for indications of liquids dripping from the pump seal. 40 C.F.R. § 63.1026(b)(4).

128. If a leak from a pump is determined, the leak shall be repaired pursuant to 40 C.F.R. section 63.1024. 40 C.F.R. § 63.1026(d).

WATER POLLUTION CONTROL REQUIREMENTS

129. The IDNR is the agency of the state responsible for the prevention, abatement, or control of water pollution. Iowa Code § 455B.172(1). The IDNR maintains jurisdiction over and regulates the direct discharge of pollutants to a water of the state. Iowa Code § 455B.172(5)(a).

130. The IDNR director is authorized to issue permits for the discharge of any pollutant including conditions and schedules of compliance necessary to meet the requirements of *inter alia* the federal Water Pollution Control Act and all applicable state and federal water quality standards and effluent standards. Iowa Code §§ 455B.174(4)(a)(1) and (b); 567 Iowa Admin. Code 64.7. Permits may be issued for any period of time not to exceed five (5) years. 567 Iowa Admin. Code 64.3(7).

131. The EPC has rulemaking authority relating to water quality, pretreatment and effluent standards; location, construction, operation, and maintenance of disposal systems; permits for the operation, installation, construction, addition to, or modification of disposal

systems, or for the discharge of any pollutant; and inspection, monitoring, recordkeeping, and reporting requirements for owners and operators of disposal systems. Iowa Code §§ 455B.173(2), (3) and (6). Implementing rules are contained in 567 Iowa Admin. Code 60-69.

132. No person shall construct, install or modify any wastewater disposal system or part thereof or extension or addition thereto without, or contrary to any condition of, a construction permit issued by the director. 567 Iowa Admin. Code 64.2(1).

133. 567 Iowa Admin. Code 64.3(1) prohibits operation of any wastewater disposal system or part thereof without, or contrary to any condition of, an operation permit issued by the IDNR.

134. In the event a bypass or upset occurs as a result of mechanical failure or acts beyond the control of the owner or operator of a treatment facility, the owner or operator shall notify the IDNR by telephone as soon as possible but not later than 12 hours after the onset or discovery. 567 Iowa Admin. Code 63.6(3).

135. Notification of a bypass or upset shall be made by contacting the appropriate IDNR Field Office during normal business hours or by calling the IDNR at 515-281-8694 after normal business hours. 567 Iowa Admin. Code 63.6(3)“a”.

136. Notification shall include information on as many items listed in 567 Iowa Admin. Code 63.6(3)“d”(1)-(6) as available information will allow. 567 Iowa Admin. Code 63.6(3)“b”. This information would include the reason for the bypass, date and time of onset or discovery of the bypass, duration of the bypass, an estimate of the amount of untreated or partially treated sewage or wastewater discharged, location of the bypass, and the name of the body of surface water that was affected by the bypass. 567 Iowa Admin. Code 63.6(3)“d”(1)-(6).

137. After the IDNR has been notified of an unanticipated bypass, the IDNR shall determine if a public notice by the owner or operator of the treatment facility is necessary. 567 Iowa Admin. Code 63.6(3)“c”.

138. Iowa Code section 455B.183(1)(a) prohibits *inter alia* the “construction, installation, or modification of any disposal system” without first securing a written permit from the IDNR Director.

139. Iowa Code section 455B.186(1) prohibits the dumping, depositing, or discharging of pollutants into any water of the state, except adequately treated sewage, industrial waste, or other waste pursuant to a permit issued by the IDNR.

140. Iowa Code section 455B.191(2) provides that a person who violates any provision of Iowa Code chapter 455B, Division III, Part 1 or any permit, rule, standard or order issued thereunder shall be subject to a civil penalty not to exceed Five Thousand Dollars (\$5,000.00) for each day of such violation.

141. The Attorney General is authorized, at the request of the IDNR director with approval of the EPC, to institute any legal proceedings, including an action for an injunction or temporary injunction, necessary to enforce the penalty provisions of Iowa Code chapter 455B, Division III, Part 1 or to obtain compliance with the provisions of said statutes or any rules promulgated or any provision of any permit issued thereunder. Iowa Code § 455B.191(5).

FACTS

GPC’s Grain Processing Facility

142. GPC owns and operates a grain processing facility located at 1600 Oregon Street, adjacent to a residential area within the city limits of Muscatine, Iowa, a city with a population of nearly 23,000 citizens.

143. The GPC facility at Muscatine, Iowa, is located within an area currently designated as either in attainment with primary and secondary NAAQS or unclassified. 40 C.F.R. § 81.316.

144. The GPC facility is a “major stationary source” as defined in Iowa Code section 455B.131(8) and 567 Iowa Admin. Code 33.3(1).

145. At its facility, GPC processes grain into ethanol and various feed, industrial and food products. The facility includes over 300 emission points, which vent pieces of equipment which emit or have the potential to emit various air pollutants.

146. Emissions are regulated by Air Quality Construction Permits, authorizing the installation and construction of the equipment, and establishing emission limits, operating conditions, compliance testing and monitoring, and other requirements; and by GPC’s Title V Operating Permit which incorporates many construction permit requirements and includes additional plant-wide and emission point (EP) specific requirements.

147. Based upon emission inventories (EIQs) submitted by 302 facilities in Iowa for Emission Year 2011, GPC ranks among the top ten air polluters in Iowa for most reported pollutants:

Pollutant	GPC’s 2011 Emissions (tpy)	State Ranking
Total Hazardous Air Pollutants (HAPs)	462.22	1 st
Acetaldehyde	51.58	1 st
Hydrochloric Acid (HCL)	376.16	1 st
Lead (Pb)	2.74	1 st
Volatile Organic Compounds (VOCs)	1163.27	2 nd
Methanol	15.70	3 rd
PM ₁₀	1011.19	3 rd
SO ₂	11970.10	5 th
Hydrogen Fluoride (HF)	18.62	6 th

CO	840.27	9 th
PM _{2.5}	218.61	10 th
NO _x	1130.76	17 th

148. On July 17, 2006, a Consent Order, Judgment and Decree was entered in *State of Iowa, ex rel., Iowa Department of Natural Resources v. Grain Processing Corporation*, Muscatine County Law No. CVCV016788, assessing a \$538,000.00 civil penalty for GPC's failure to comply with construction permits for the Maltrin No. 5 Spray Dryer; requiring GPC to submit modeling protocols to conduct National Ambient Air Quality Standards compliance analysis and increment analysis for PM₁₀; and enjoining GPC from violating 567 Iowa Admin. Code 22.4; 40 C.F.R. section 52.21; and Air Quality Construction Permit Nos. 90-A-309 and 90-A-310.

149. Pursuant to the July 17, 2006, Consent Order, Judgment and Decree, GPC submitted to the IDNR on February 20, 2012, construction permit applications intended to bring GPC into compliance with the PM₁₀ NAAQs and increment. GPC has since submitted numerous revisions and additional supporting documents requested by the IDNR to address the PM₁₀ NAAQS and increment, but also to address compliance with the 24-hour PM_{2.5} NAAQs. These submittals have been designated by the IDNR as Project 12-183.

EP #126.0, Wet Milling, No. 4 Germ Dryer

150. On August 17, 1979, Air Quality Construction Permit No. 79-A-195 was issued to GPC for the construction of EP #126.0, Wet Milling, No. 4 Germ Dryer.

151. On September 18, 1995, Air Quality Construction Permit No. 79-A-195-S was issued to GPC which *inter alia* established in Condition 8 an SO₂ emission limit of 0.53 lbs/hr.

152. GPC's annual emission inventories (EIQs) failed to report any SO₂ emissions

from EP #126.0 until the 2002 EIQ submitted in 2003.

153. GPC's EIQ reports since 2002 show repeated and substantial violations of its SO₂ emission limit for EP #126.0:

EP #126.0, Wet Milling, No. 4 Germ Dryer SO₂ Emissions											
EY	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
SO₂ (tpy)	-----	4.23	3.19	3.28	3.28	32.07	32.53	31.56	28.77	30.25	29.86
SO₂ (lb/hr)	-----	0.96	0.72	0.74	0.74	7.32	7.42	7.20	6.56	6.90	6.81
% of Limit	-----	181	135	139	139	1381	1400	1358	1237	1301	1284

154. As part of Project 12-183 and GPC's construction permit application for EP #126.0, GPC's EC Form submitted on March 2, 2012, reported potential SO₂ emissions of 10.98 lbs/hr or 48.1 tpy, over 20 times the permitted limit. GPC's EC-4A Form submitted on July 11, 2012, reported potential SO₂ emissions of 16.22 lbs/hr or 71.07 tpy, over 30 times the permitted limit.

EP #127.0, Dryer House 4, No. 5 Rotary Dryer and associated projects

155. On or about December 17, 1979, GPC submitted construction permit applications for three projects: a steam tube rotary dryer, milling equipment and associated control equipment, and mill product equipment and associated control equipment, designated by the IDNR as Projects 80-149, 80-150, and 80-151, respectively. None of the applications reported potential VOC emissions. The applications did not seek Prevention of Serious Deterioration (PSD) construction permits and did not undergo PSD review.

156. On July 17, 1980, GPC was issued the following Air Quality Construction Permits. The only emission limitation was for PM. The air pollution control equipment required for each emission point was designed to control PM, but not VOC emissions.

Emission Point	Permit Number	Source	PM Control
EP #127.0	80-A-112	Steam Tube Rotary Dryer	Separation chamber
EP #128.0	80-A-113	Product equipment for feed milling	Aerodyne cyclone
EP #129.0	80-A-114	Product equipment for feed milling	Aerodyne cyclone

157. On July 17, 2003, Air Quality Construction Permit Nos. 80-A-113-S1 and 80-A-114-S1 were issued to GPC, amending the allowable emission rate for PM and adding PM₁₀ and opacity limitations for EP #128.0 and #129.0 for the construction of new equipment. The only air pollution control equipment required by the permits were an Aerodyne cyclone and a baghouse for EP #128.0 and #129.0, respectively, each of which was designed to control PM, but not VOC emissions.

158. On December 23, 2009, Air Quality Construction Permit No. 09-A-707 was issued for a replacement of the steam tube rotary dryer, with Dryer House 4, No. 5 Rotary Dryer, EP #127.0. The only air pollution control equipment required was an expansion chamber, which is designed to control PM, but not VOC emissions. After the 2009 permit was issued, GPC requested rescission of the 1980 permit, Permit No. 80-A-112, which was rescinded by the IDNR on February 26, 2010.

159. GPC's EIQs have never reported any actual VOC emissions from EP #128.0 and #129.0.

160. GPC did not report VOC emissions for Dryer House 4, No. 5 Rotary Dryer, EP #127.0 (or its predecessor steam tube rotary dryer), until its 2002 EIQ submitted to IDNR in 2003.

161. GPC's EIQs since 2002 have consistently reported VOC emissions from EP

#127.0 alone, far in excess of the 40 tpy significance level for triggering PSD requirements:

EP #127.0, Dryer House 4, No. 5 Rotary Dryer VOC Emissions (tpy)											
EY	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
VOC	-----	95.37	99.21	97.94	110.87	107.83	91.02	110.59	167.24	118.52	98.64

162. As part of Project 12-183 and the construction permit application for EP #127.0, GPC's EC-4A Form submitted on May 7, 2012, reported potential VOC emissions of 101.079 tpy.

163. If the increases in VOC emissions actually began in 1980, then for Project 80-149, and the associated Projects 80-150 and 80-151, GPC should have submitted to EPA in 1980 a PSD construction permit application, undergone PSD review, and been subject to PSD requirements, including the requirement that best available control technology (BACT) be applied to control the significant increase in VOC emissions.

164. If, instead, the increases in VOC emissions actually occurred in 2002 as a result of a modification to EP #127.0, then GPC should have submitted to the IDNR prior to the modification a PSD construction permit application for EP #127.0, undergone PSD review, and been subject to PSD requirements, including the requirement that BACT be applied to control the significant increase in VOC emissions.

165. Since at least 2002, or at worst since 1980, GPC has failed to provide any air pollution control for its significant increase in VOC emissions generated by EPs #127.0, #128.0 and #129.0.

**EP #137.0, Dryer House 4, No. 6 Rotary Dryer and associated projects
(1985 Plant Expansion):**

1985 Plant Expansion

166. On December 26, 1984, GPC submitted construction permit applications for eighteen projects for plant expansion, designated by the IDNR as Projects 85-030 through 85-

038, 85-040 through 85-043, 85-088 (4 projects), and 85-181. None of the applications reported potential VOC, CO, or NO_x emissions. The applications did not seek PSD construction permits and did not undergo PSD review.

167. On March 26, 1985, GPC was issued the following Air Quality Construction Permits. The only emission limitation was for PM. The air pollution control equipment required for each emission point was designed to control PM, but not VOC, CO, or NO_x emissions.

Emission Point	Permit Number	Source	PM Control
EP #135.0	85-A-031	Maltrin No. 4 Spray Dryer "A" Stack	Packed bed Scrubber
EP #136.0	85-A-032	Maltrin No. 4 Spray Dryer "B" Stack	Packed bed Scrubber
EP #137.0	85-A-033	Dryer House 4, No. 6 Rotary Dryer	Expansion chamber
EP #138.0	85-A-034	No. 5 Mill Aerodyne	Aerodyne collector
EP #139.0	85-A-035	No. 6 Mill Aerodyne	Aerodyne collector
EP #140.0	85-A-036	No. 5 Product Aerodyne	Aerodyne collector
EP #141.0	85-A-037	No. 6 Product Aerodyne	Aerodyne collector
EP #142.0	85-A-038	Power House No. 10 Boiler	None
EP #143.0	85-A-039	Starch No. 1 Flash Dryer	Impingement scrubber
EP #145.0	85-A-041	Starch Food Grade Bulk Loading	Fabric filter
EP #146.0	85-A-042	Elevator Grain Unloading "B"	Fabric filter
EP #147.0	85-A-043	Elevator Corn Cleaner Dust Control	Fabric filter
EP #148.0	85-A-044	Expeller No. 2 Spent Germ Cyclone	Cyclone

168. On July 1, 1985, GPC was issued the following Air Quality Construction Permits. The only emission limitation was for PM. The air pollution control equipment required for each emission point was designed to control PM, but not VOC, CO, or NO_x emissions.

Emission Point	Permit Number	Source	PM Control
EP #149.0	85-A-081	Starch Food Grade Silo North Exhaust	Fabric filter
EP #150.0	85-A-082	Starch Food Grade Silo East Exhaust	Fabric filter
EP #151.0	85-A-083	Starch Food Grade Silo South Exhaust	Fabric filter
EP #152.0	85-A-084	Starch Food Grade Silo West Exhaust	Fabric filter

169. On November 14, 1985, GPC was issued Air Quality Construction Permit No. 85-A-135 for the construction of the Power House No. 11 Boiler, Project 85-181, designated by GPC as EP# 153.0. The only emission limitation was for PM. No air pollution control equipment was required.

170. On January 27, 2003, the IDNR issued Air Quality Construction Permit No. 85-A-035-S1 to GPC for the construction of new equipment and amending the maximum capacity, adding an opacity limit, and adding control equipment, an Aerodyne high efficiency cyclone designed to control PM, but not VOC, CO, or NO_x emissions.

1985 Plant Expansion – VOC Emissions

171. GPC's EIQs have reported little or no VOC emissions from EPs #135.0 and #136.0, #138.0 through #143.0, and #145.0 through #153.0.

172. GPC did not report VOC emissions for Dryer House 4, No. 6 Rotary Dryer, EP #137.0 until its 2002 EIQ submitted to IDNR in 2003.

173. GPC's EIQs since 2002 have consistently reported VOC emissions from EP #137.0, alone, far in excess of the 40 tpy significance level for triggering PSD requirements:

EP #137, Dryer House 4, No. 6 Rotary Dryer VOC Emissions (tpy)											
EY	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
VOC	-----	95.37	148.82	146.91	166.30	161.75	136.53	165.89	250.86	177.78	147.96

174. As part of Project 12-183 and the construction permit application for EP #137, GPC's EC Form submitted on January 4, 2013, and GPC's EC-4A Form submitted on May 7, 2012, reported potential VOC emissions of 115.6 tpy, and 190.267 tpy, respectively.

175. If the increases in VOC emissions, actually began in 1985, then for Project 85-032, and the associated 1985 Projects, GPC should have submitted to the EPA in 1985 a PSD construction permit application, undergone PSD review, and been subject to PSD requirements, including the requirement that best available control technology (BACT) be applied to control the significant increase in VOC emissions.

176. If, instead, the increases in VOC emissions actually occurred in 2002 as a result of a modification to EP #137.0, then GPC should have submitted to the IDNR prior to the modification a PSD construction permit application, undergone PSD review, and been subject to PSD requirements, including the requirement that BACT be applied to control the significant increase in VOC emissions.

177. Since at least 2002, or at worst since 1985, GPC has failed to provide any air pollution control for its significant increase in VOC emissions generated by EP #137.0, and the associated 1985 projects.

1985 Plant Expansion – CO Emissions

178. GPC's 1985 plant expansion included EPs #135.0, Maltrin No. 4 Spray Dryer ("A" stack); #136.0, Maltrin No. 4 Spray Dryer ("B" stack); #142.0, Power House Boiler No. 10;

and #153.0, Power House Boiler No. 11.

179. GPC's EIQs since 2001 report CO emissions from each of these EPs far below the significance level of 100 tpy for triggering PSD review.

180. As part of Project 12-183 and its construction permit applications, GPC's EC Forms submitted on February 20, 2012, and January 4, 2013, reported potential CO emissions from the following EPs, which were part of the 1985 plant expansion:

EP#	CO (tpy)
135.0/136.0	8.83
142.0	59.60
153.0	59.60
Total	128.03

These CO emissions far exceed 100 tpy, thereby triggering PSD requirements.

181. If the increases in CO emissions actually began in 1985, then for Project 85-032, and the associated 1985 Projects, GPC should have submitted to the EPA in 1985 a PSD construction permit application, undergone PSD review, and been subject to PSD requirements, including the requirement that best available control technology (BACT) be applied to control the significant increase in CO emissions.

182. If, instead, the increases in CO emissions actually occurred as a result of a subsequent modification to EPs #135.0, #136.0, #142.0 and #153.0, then GPC should have submitted to the IDNR prior to the modification a PSD construction permit application, undergone PSD review, and been subject to PSD requirements, including the requirement that BACT be applied to control the significant increase in CO emissions.

183. Since 1985, or at least since these EPs were modified, GPC has failed to provide any air pollution control for its significant increase in CO emissions generated by the associated 1985 projects.

1985 Plant Expansion – NO_x Emissions

184. GPC's 1985 plant expansion included EP #142.0, Power House Boiler No. 10, and EP #153.0, Power House Boiler No. 11.

185. On March 11, 1986, the US EPA issued PSD permits to GPC for EPs #142.0 and #153.0 for NO_x emissions only. The permits established a NO_x emission limitation and required compliance testing.

186. Because EPs #142.0 and #153.0 were subject to PSD for significant increases in NO_x emissions and those EPs were part of the 1985 plant expansion, GPC should have submitted to the EPA in 1985 a PSD permit construction permit application covering the entire 1985 plant expansion, undergone PSD review for NO_x, and been subject to PSD requirements, including the requirement that best available control technology (BACT) be applied to control the significant increases in NO_x emissions resulting from EPs #135.0 through #153.0.

EP #143.0, Starch No. 1 Flash Dryer and EP #158.0, Starch No. 2 Flash Dryer

187. On March 26, 1985, GPC was issued Air Quality Construction Permit No. 85-A-039 for the Starch No. 1 Flash Dryer, designated by GPC as EP #143.0. The only emission limitation was for PM. The air pollution equipment required was an impingement scrubber to control PM emissions.

188. On July 20, 1990, GPC was issued Air Quality Construction Permit No. 90-A-258 for the Starch No. 2 Flash Dryer, designated by GPC as EP #158.0. The only emission limitation was for PM.

189. GPC's Title V Operating Permit No. 03-TV-029, issued September 8, 2003, required stack testing of EP #143.0 or EP #158.0 for PM by September 8, 2004, and a second stack test to be performed between March 8, 2006, and March 8, 2007.

190. On April 1 and 5, 2013, GPC submitted to the IDNR GPC's 2012 Annual Compliance Certification Form, summarizing its compliance or deviation from permit requirements. GPC's Deviation Report, Part 4C, reported that since March 8, 2007, GPC has failed to complete a second stack test for PM from EP #143.0 or EP #158.0.

EP #144.0, Starch Warehouse Cornstarch Bulk Loadout

191. On September 6, 1985, GPC was issued Air Quality Construction Permit No. 85-A-108 for the Starch Plant Dust Collect System, designated by GPC as EP #144.0. The only emission limitation was for PM. The air pollution control equipment required by the permit was a fabric filter (baghouse) to control PM.

192. On or about August 15, 1990, GPC submitted a construction permit application to modify the Starch Plant Dust Collect System, EP #144.0. The application requested approval of an increase in capacity but with no net increase in emissions because of a proposed change from a baghouse to an impingement scrubber. GPC reported that the scrubber "will be more efficient in this application than the existing fabric filter . . . [and] allow a higher inlet dust load to be handled with no net increase in emissions."

193. On August 30, 1990, GPC was issued Air Quality Construction Permit No. 90-A-307 to GPC for construction of GPC's Starch Transfer and Bagging equipment, EP #144.0.

194. Air Quality Construction Permit No. 90-A-307 required replacement of the existing baghouse with an impingement scrubber, designed to control PM emissions.

195. GPC installed the impingement scrubber but after a "short period of time" discontinued use of the scrubber and instead switched back to the original baghouse.

196. On June 29, 2011, GPC submitted a construction permit application to install the same scrubber originally permitted and required by the 1990 permit, to replace the "inefficient

baghouse system.” After being advised that the 1990 permit already required use of the scrubber, GPC withdrew that application on November 22, 2011.

197. On February 1, 2012, GPC submitted another construction permit application, this time to replace the existing baghouse, which according to GPC was “in need of frequent maintenance and is undersized for the bagging operation,” with a new, larger baghouse.

198. Since at least as early as 1990, GPC has continued to use the baghouse rather than the impingement scrubber required by Air Quality Construction Permit No. 90-A-307.

EP #164.0, Dryer House 4, No. 7 Rotary Dryer and associated equipment

199. On or about March 8, 1990, GPC submitted construction permit applications to install a rotary dryer and associated equipment, designated by the IDNR as Project 90-082. None of the applications reported potential VOC emissions. The applications did not seek PSD construction permits, and did not undergo PSD review.

200. On August 30, 1990, GPC was issued the following Air Quality Construction Permits. The only emission limitation was for PM, each establishing a synthetic minor limit to avoid PSD applicability. The air pollution control equipment required for each emission point was designed to control PM, but not VOC emissions.

Emission Point	Permit Number	Source	PM Control
EP #164.0	90-A-264	Dryer House 4 No. 7 Rotary Dryer	Expansion chamber
EP #165.0	90-A-109	Dryer House 4 No. 7 Mill Aerodyne	Aerodyne collector
EP #166.0	90-A-110	Dryer House 4 No. 7 Product Collector	Fabric filter
EP #167.0	90-A-111	Dryer House 4 No. 2 Feed Cooler	Fabric filter

201. After issuance of the permits, GPC never constructed EPs #165.0 and 166.0. Instead, GPC constructed new equipment and control equipment, expanding the capacity of the following EPs, without first obtaining permit modifications:

Emission Point (EP)	Source	Modification
EP #110.0	No. 1 Mill Aerodyne	Changed from Model 7500 to Model 15,000
EP #113.0	No. 1 Mill Aerodyne	Changed from an Aerodyne to a baghouse
EP #128.0	No. 4 Mill Aerodyne	Changed from Model 7500 to Model 15,000
EP #129.0	No. 4 Mill Product Aerodyne	Changed from an Aerodyne to a baghouse

202. EPs #110.0 and #113.0 had been constructed pursuant to Air Quality Construction Permit Nos. 75-A-343 and 75-A-346, issued by the Iowa Department of Environmental Quality (DEQ), predecessor agency of the IDNR, to GPC on December 4, 1975.

203. EPs #128.0 and #129.0 had been constructed pursuant to Air Quality Construction Permit Nos. 80-A-113 and 80-A-114, issued by the Iowa Department of Environmental Quality (DEQ), predecessor agency of the IDNR, to GPC on July 17, 1980.

204. On or about August 24, 1992, GPC submitted "as built" construction permit applications for EPs #110.0, #113.0, #128.0, and #129.0. The IDNR denied the applications on February 15, 1993, because the modeling was inadequate to demonstrate compliance with the NAAQS. GPC continued operation of these modified EPs but did not resubmit construction permit applications until 2003.

205. On or about June 6, 2003, GPC again submitted after-the-fact "as built" construction permit applications for EPs #110.0, #113.0, #128.0, #129.0, designated by the IDNR as Project 03-392. The IDNR issued Air Quality Construction Permit Nos. 75-A-343-S1, 75-A-346-S1, 80-A-113-S1, 80-A-114-S1 approving the modifications on July 17, 2003.

206. GPC's EIQs never reported any actual VOC emissions from EPs #110.0, #113.0, #128.0, #129.0, and #167.0.

207. GPC did not report VOC emissions for Dryer House 4, No. 7 Rotary Dryer, EP #164.0, until its 2002 EIQ submitted to IDNR in 2003.

208. GPC's EIQs since 2002 have consistently reported VOC emissions from EP #164.0 alone, far in excess of the 40 tpy significance level for triggering PSD requirements:

EP #164, Dryer House 4, No. 7 Rotary Dryer VOC Emissions (tpy)											
EY	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
VOC	-----	131.59	148.82	146.91	166.30	161.75	136.53	165.89	250.86	177.78	147.96

209. As part of Project 12-183 and the construction permit application for EP #164.0, GPC's EC Form submitted on January 4, 2013, and EC-4A Form submitted on May 7, 2012, reported potential VOC emissions of 115.6 tpy, and 190.267 tpy, respectively.

210. If the increases in VOC emissions actually began in 1990, then for Project 90-082, and the associated "as built" Project 03-392, GPC should have submitted to the IDNR in 1990 a PSD construction permit application, undergone PSD review, and been subject to PSD requirements, including the requirement that best available control technology (BACT) be applied to control the significant increase in VOC emissions.

211. If, instead, the increases in VOC emissions actually occurred in 2002 as a result of a modification to EP #164.0, then GPC should have submitted to the IDNR prior to the modification a PSD construction permit application, undergone PSD review, and been subject to PSD requirements, including the requirement that BACT be applied to control the significant increase in VOC emissions.

212. Since at least 2002, or at worst since 1990, GPC has failed to provide any air pollution control for its significant increase in VOC emissions generated by EP #164.0, and the

associated 1990 projects.

213. Air Quality Construction Permit No. 90-A-264 for the Dryer House 4, No. 7 Rotary Dryer, EP #164, established an emission limitation for TSP (total suspended solids = PM) of 0.038 gr/scf or 1.6 lb/hr at 5000 scfm, and required a stack test to show compliance.

214. GPC conducted stack testing on EP #164.0. Due to the high test results at lower than capacity production, the IDNR on May 24, 1995, amended the permit to limit the average process rate from 13,300 lb/hr to 11,686 lb/hr.

215. GPC's EIQs report substantial violation of the permitted average process rate of 11,686 lb/hr every year since 2003, except 2007, as follows:

EP #164, Dryer House 4, No. 7 Rotary Dryer Average Process Rate											
EY	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Actual Throughput (tpy)	47,733	48,738	55,117	54,412	61,594	59,906	50,567	61,441	92,397	65,480	54,499
Average Process Rate (lb/hr)	10,897	11,127	12,583	12,422	14,062	13,677	11,544	14,027	21,095	14,949	12,442

EP #173.0, No. 4 Gluten Flash Dryer

216. On April 5, 1991, GPC was issued Air Quality Construction Permit No. 91-A-067, for the installation of the No. 4 Gluten Flash Dryer, designated by GPC as EP #173.0. The construction permit included PM and PM₁₀ emission limits, creating synthetic minor limits, to allow GPC to avoid PSD review.

217. On December 5, 2006, IDNR issued a construction permit modification, Air Quality Construction Permit No. 91-A-067-S1, for EP #173.0, increasing the PM and PM₁₀ emission limits to 5.31 lbs/hr. These limits were intended to continue to allow GPC to avoid PSD review.

218. On February 28, 2007, GPC conducted a stack test on EP #173.0. The stack test results showed PM and PM₁₀ emissions of 4.37 lbs/hr, indicating compliance with the emission limits of Air Quality Construction Permit No. 91-A-067-S1.

219. On March 12, 2009, IDNR issued a second construction permit modification, Air Quality Construction Permit No. 91-A-067-S2, for EP #173.0. This modification allowed the use of biogas as a fuel with the existing burner. Condition 10 of Permit No. 91-A-067-S2 maintained the limit of 5.31 lbs/hr of PM and PM₁₀ to avoid PSD applicability, and further established an emission limit for sulfur dioxide (SO₂) of 4.5 lbs/hr, allowing GPC to avoid both PSD applicability and conducting a facility-wide analysis of the impact on the 24-hour SO₂ NAAQS.

220. Condition 12 of Permit No. 91-A-067-S2 required GPC to perform another stack test and to verify compliance with the emission limits in Condition 10 within sixty (60) days after achieving maximum production rate and no later than one hundred eighty (180) days after the initial startup date of the proposed equipment to allow the combustion of biogas in the dryer.

221. On March 25, 2010, GPC submitted to the IDNR a Start-up Notice indicating that the start-up of the EP #173.0 using biogas as a fuel would occur on March 26, 2010.

222. On June 9, 2010, GPC conducted a stack test on EP #173.0 for PM, PM₁₀ and SO₂. GPC stopped after the first run and did not complete all three runs of required testing. The one run completed indicated that the emission limits were not being met and that emissions for PM, PM₁₀ and SO₂ were being exceeded:

EP #173.0, No. 4 Gluten Flash Dryer June 9, 2010 Stack Test Results			
Pollutant	Permitted Emission Limit (lbs/hr)	Stack Test Result (lbs/hr)	% of Limit
PM	5.31	16.07	302%
PM ₁₀	5.31	16.07	302%
SO ₂	4.5	30.65	681%

223. Based on the June 9, 2010, stack test results, assuming continuous operation of the dryer, GPC exceeded the PSD permitting threshold for PM and PM₁₀ by 47.1 tpy and the PSD permitting threshold for SO₂ by 114.5 tpy.

224. On August 27, 2010, IDNR issued a Notice of Violation letter to GPC for failing to comply with Air Quality Construction Permit No. 91-A-067-S2 by exceeding the emission limits for PM, PM₁₀ and SO₂.

225. After communications between IDNR and GPC, GPC was allowed to adjust the control equipment to improve its control efficiency and retest in August, 2010. On August 31, 2010, GPC conducted a stack test on EP #173.0. The results of the stack test indicated that the PM, PM₁₀ and SO₂ emission limits continued to be exceeded:

EP #173.0, No. 4 Gluten Flash Dryer August 31, 2010 Stack Test Results			
Pollutant	Permitted Emission Limit (lbs/hr)	Stack Test Result (lbs/hr)	% of Limit
PM	5.31	17.77	334%
PM ₁₀	5.31	17.77	334%
SO ₂	4.5	9.73	216%

226. Based on the August 31, 2010, stack test results, assuming continuous operation of the dryer, GPC exceeded the PSD permitting threshold for PM and PM₁₀ by 54.5 tpy, and the PSD permitting threshold for SO₂ by 22.9 tpy.

227. On November 15, 2010, IDNR issued a Notice of Violation letter to GPC for failing to comply with Air Quality Construction Permit No. 91-A-067-S2 by exceeding the

emission limits for PM, PM₁₀ and SO₂ and for failing to apply for a PSD permit.

228. On December 2, 2010, GPC submitted a letter to the IDNR indicating GPC intended to retest the EP #173.0 in January, 2011 to show compliance with Air Quality Construction Permit No. 91-A-067-S2, however, an official second compliance test was not set at the time. GPC indicated it would contact the IDNR when the exact date of the compliance test was scheduled. No compliance test was conducted in January, 2011.

229. On March 3, 2011, GPC submitted a letter to the IDNR stating that GPC was attempting to resolve issues with the PM, PM₁₀ and SO₂ emissions. GPC stated that the SO₂ issue could not be resolved with current "economic and operating issues" and that GPC had ceased using biogas. GPC stated that it would test for compliance late in 2011, after the biogas scrubber was operating. GPC stated that it had scheduled an engineering test and following successful testing, GPC would schedule a compliance test to demonstrate PM, PM₁₀ and SO₂ compliance.

230. On March 21, 2011, IDNR sent a letter to GPC stating that it had received the compliance plan, dated February 28, 2011, from GPC and reminded the facility that it remained out of compliance with Air Quality Construction Permit No. 91-A-067-S2 for emission limits for PM, PM₁₀, and SO₂ until the facility retested and demonstrated compliance with the existing permit limits.

231. GPC continued to operate EP #173.0 but did not retest emissions to demonstrate compliance with emission limits contained in Air Quality Construction Permit No. 91-A-067-S2.

232. On May 9, 2011, GPC submitted to IDNR a construction permit application for a biogas scrubber but the application was incomplete. The IDNR requested additional information in order to process the application.

233. On May 23, 2011, GPC submitted a letter to IDNR advising that engineering tests indicated that the excess sulfur dioxide emissions from EP #173.0 was resolved by eliminating use of the biogas fuel and maintaining an appropriate pH level in the scrubber water. GPC stated that it would perform a compliance test after it had resolved the excess particulate matter emissions. As for the excess particulate matter emissions, GPC stated that it would install new mist eliminator pads and chevrons, but the manufacturer would need 15 weeks to provide the equipment.

234. On August 31, 2011, GPC submitted a letter to IDNR indicating that new equipment for the scrubber, mist eliminator pads and chevrons, would be shipped in the middle of September, 2011, at which time EP #173.0 would be shutdown for installation of the new equipment, followed by an engineering test, and then a compliance test anticipated for October, 2011.

235. October 20, 2011, GPC sent an email to IDNR advising that compliance testing on EP #173.0 was scheduled for November 3, 2011.

236. October 27, 2011, GPC submitted to IDNR the remainder of the information necessary to process its construction permit application for a biogas scrubber. The IDNR then issued Air Quality Construction Permit Nos. 11-A-661 and 11-A-662 for a biogas scrubber system to remove hydrogen sulfide from the biogas prior to combustion in the #4 Gluten Flash Dryer, thereby reducing SO₂ emissions. The biogas scrubber has been constructed by GPC.

237. On November 1, 2011, GPC sent an email to IDNR advising that “due to production difficulties” the compliance testing on EP #173.0 scheduled for November 3, 2011, was cancelled.

238. On November 2, 2011, GPC sent an email to IDNR advising that the compliance testing for EP #173.0 was rescheduled for November 30 or December 1, 2011.

239. On November 30, 2011, GPC conducted another stack test on EP #173.0. The results of the stack test indicated that PM and PM₁₀ were tested at 5.25 lbs/hr, which constituted 98% of the permitted limit of 5.31 lbs/hr, but the test was done at a production rate of 4.76 tons/hr, which was only 92% of the emission unit’s maximum capacity of 5.16 tons/hr. Extrapolating linearly, at maximum capacity the emission unit would have emitted PM and PM₁₀ at the rate of 5.71 lbs/hr, or 106% of the permitted limit.

240. On March 13, 2012, the IDNR issued a Notice of Violation letter to GPC for continued failure to verify compliance with the PM and PM₁₀ emission limitations as required by Condition 12 of Air Quality Construction Permit No. 91-A-067-S2. The Notice advised the GPC could retest at the required capacity or request a permit modification with a more restrictive operating limit.

241. On or about May 3, 2012, GPC conducted another stack test on EP #173.0 for PM₁₀. This time the stack test showed PM₁₀ emissions at the rate of 2.69 lbs/hr, verifying compliance with the permitted limit of 5.31 lbs/hr.

242. On or about May 23, 2012, GPC sent a letter to the IDNR advising that GPC had miscalculated the production rate at the time of the November 30, 2011, stack test. According to GPC, the actual production rate at the time of the stack test was 5.36 or 104% of the maximum capacity of 5.16.

243. On June 6, 2012, GPC submitted to IDNR the Operating Data sheet for the stack test for PM/PM₁₀ for EP #173.0, to support GPC's May 23, 2012 letter regarding its miscalculation of the production rate during the November 30, 2011, stack test.

244. Based on review of GPC's May 23 and June 6, 2012, submittals, the IDNR concluded that the November 30, 2011 stack test on EP #173.0 was conducted at the permitted allowable maximum capacity and that the emissions were in compliance with the permitted emission limit for PM/PM₁₀ for EP 173.0. On June 18, 2012, the IDNR rescinded the Notice of Violation issued on March 13, 2012.

245. With regard to SO₂ emissions, the November 30, 2011, stack test was conducted using natural gas as a fuel, rather than biogas, and showed emissions of 1.75 lbs/hr SO₂. GPC did not test using biogas as a fuel until August 23, 2012, which according to a report submitted to IDNR on September 27, 2012, showed emissions of 4.05 lbs/hr SO₂, in compliance with permit limits.

246. Condition 14, subsections C and D, and the second subsection marked A, of Air Quality Construction Permit No. 91-A-067-S2, established operating limits including but not limited to the requirements that the scrubber water flow rate, pressure drop, and pH shall be maintained at or above the applicable levels during the most recent performance test that demonstrated compliance with permit emission limits.

247. On April 1 and 5, 2013, GPC submitted to the IDNR GPC's 2012 Annual Compliance Certification Form, summarizing its compliance or deviation from permit requirements. GPC's Deviation Report, Part 4C, reported that during operation of EP #173.0, GPC had failed to comply with the requirements of Condition 14, subsections C, D, and the second subsection A, on forty days during calendar year 2012.

EP #177.0, Power House Boiler No. 12

248. On March 15, 1993, GPC was issued Air Quality Construction Permit No. 93-A-110 for the construction of Power House Boiler No. 12, designated by GPC as EP #177.0. The required air pollution control equipment was a low-NO_x burner to reduce NO_x emissions.

249. Condition 1 of Air Quality Construction Permit No. 93-A-110 established emission limitations for VOCs, CO, PM₁₀, and SO₂, creating synthetic minor limits, to allow GPC to avoid PSD review.

250. Condition 7 of the permit required the installation and operation of a continuous emission monitoring system (CEM) system to measure NO_x emissions to insure compliance with permit emission limitations. The permit required GPC to submit quarterly reports to the IDNR in accordance with the procedures outlined in federal New Source Performance Standards (NSPS) 40 C.F.R. § 60.7(c) and (d), incorporated by reference in 567 Iowa Admin. Code 23.1(2).

251. GPC's 2nd Quarter, 2012, CEMS Report indicated that EP #177.0 was operated 2,096 hours but that the CEMS was unavailable for 160 hours of that time, i.e., 7.6% downtime. When the CEMS was not operating, there was no method for determining whether GPC was operating in compliance with its permit emission limitation for NO_x.

252. GPC's EIQs for 2001-2012 never reported actual VOC or CO emission levels from EP #177.0 sufficient to trigger PSD review.

253. As part of Project 12-183 and its construction permit application for EP #177.0, GPC's EC-4A Form submitted on January 4, 2013, reported potential emissions for VOCs and CO of 81.1 and 123.8 tpy, respectively, far in excess of their synthetic minor permit emission limitations, and triggering PSD review:

EP #177.0, Power House Boiler No. 12				
Pollutant	Permit Limits lb/hr	Permit Limits Tpy	Potential Emissions lb/hr	Potential Emissions tpy
VOC	1.08	4.71	18.5	81.1
CO	13.4	58.9	28.27	123.8

254. If these increases in VOC and CO emissions began when EP #177.0 was first constructed, GPC's EIQs were incorrect and GPC should have submitted to the IDNR in 1993, a PSD construction permit application, undergone PSD review, and been subject to PSD requirements, including the requirement that best available control technology (BACT) be applied to control the significant increase in VOC and CO emissions.

255. If, instead, the increases in VOC and CO emissions occurred more recently as a result of a modification to EP #177.0, then GPC's EIQs should have reflected those increased emissions and GPC should have submitted prior to the modification a PSD construction permit application, undergone PSD review, and been subject to PSD requirements, including the requirement that BACT be applied to control the significant increase in VOC emissions.

256. Since as early as 1993, GPC has failed to provide any air pollution control for its significant increases in VOC and CO emissions generated by EP #177.0.

EP #178.0, Wet Milling, No. 5 Germ Dryer and EP #194.0, No. 3 Wet Germ Pneumatic Transfer System

257. On or about April 25, 1991, GPC submitted construction permit applications to install a germ dryer and associated equipment, designated by the IDNR as Projects 91-097 and 01-097. None of the applications reported potential SO₂ or VOC emissions. The applications did not seek PSD construction permits, and did not undergo PSD review.

258. On July 24, 1991, GPC was issued Air Quality Construction Permit No. 91-A-097 for the construction of a germ dryer, designated by GPC as EP #178.0. The only emission

limitation was for PM. The only air pollution control equipment required was a cyclone, which was designed to control PM, but not SO₂ or VOC emissions.

259. On August 7, 2001, GPC submitted an after-the-fact “as built” construction permit application for the No. 3 Wet Germ Pneumatic Transfer System, designated by GPC as EP #194.0. The “as built” permit application did not report potential SO₂ or VOC emissions. The application did not seek a PSD construction permit, and did not undergo PSD review.

260. On October 11, 2002, the IDNR issued “as built” Air Quality Construction Permit No. 02-A-783 to GPC for the No. 3 Wet Germ Pneumatic Transfer System, EP #194.0. The only emission limitations were PM, PM₁₀, and opacity. The only air pollution control equipment required was a baghouse, which was designed to control PM, not SO₂ or VOC emissions.

261. On October 28, 2002, the IDNR issued Air Quality Construction Permit No. 02-A-783-S1 to GPC, correcting the listed control equipment to a cyclone, which was designed to control PM, not SO₂ or VOC emissions.

262. GPC’s EIQs since 2003 have reported zero actual SO₂ emissions from EP # 194.0.

263. GPC did not report SO₂ emissions for EP #178.0, Wet Milling, No. 5 Germ Dryer, until its 2003 EIQ submitted to IDNR in 2004.

264. GPC’s EIQs since 2006 have consistently reported SO₂ emissions from EP #178.0 alone, far in excess of the 40 tpy significance level for triggering PSD requirements:

EP #178, Wet Milling, No. 5 Germ Dryer SO ₂ Emissions (tpy)											
EY	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
SO ₂	-----	-----	2.74	2.81	2.87	44.89	45.55	44.18	40.25	42.35	41.81

265. If these increases in SO₂ emissions began when EP #178.0 was first constructed, GPC’s EIQs were incorrect and GPC should have submitted to the IDNR in 1991, a PSD

construction permit application, undergone PSD review, and been subject to PSD requirements, including the requirement that best available control technology (BACT) be applied to control the significant increase in SO₂ emissions.

266. If, instead, the increases in SO₂ emissions actually occurred in 2006 as a result of a modification to EP #178.0, then GPC should have submitted to the IDNR prior to the modification a PSD construction permit application, undergone PSD review, and been subject to PSD requirements, including the requirement that BACT be applied to control the significant increase in SO₂ emissions.

267. Since as early as 1991, GPC has failed to provide any air pollution control for its significant increase in SO₂ emissions generated by EP #178.0, and the associated project, EP #194.0.

268. GPC's EIQs have never reported VOC emissions from EPs #178.0 and #194.0.

269. As part of Project 12-183 and its construction permit applications, GPC's EC-4A Form submitted on May 7, 2012, reported potential VOC emissions as follows:

EP#	VOCs (tpy)
178.0	34.219
194.0	34.219
Total	68.438

These VOC emissions far exceed 40 tpy, thereby triggering PSD requirements.

270. If these increases in VOC emissions began when EPs #178.0 and #194.0 were first constructed, GPC's EIQs were incorrect and GPC should have submitted to the IDNR in 1991, a PSD construction permit application, undergone PSD review, and been subject to PSD requirements, including the requirement that best available control technology (BACT) be applied to control the significant increase in VOC emissions.

271. If, instead, the increases in VOC emissions actually occurred as a result of a modification to EPs #178.0 and #194.0, then GPC should have submitted to the IDNR prior to the modification a PSD construction permit application, undergone PSD review, and been subject to PSD requirements, including the requirement that BACT be applied to control the significant increase in VOC emissions.

272. Since as early as 1991, GPC has failed to provide any air pollution control for its significant increase in VOC emissions generated by EPs #178.0 and #194.0.

EP #188.0, Starch G-Series Starch Dryer

273. On August 27, 1996, GPC was issued Air Quality Construction Permit No. 96-A-1028 for the construction of the Starch G-Series Starch Dryer, designated by GPC as EP #188.

274. Condition 9 of Air Quality Construction Permit No. 96-A-1028 included emission limitations for TSP (PM) and PM₁₀.

275. Condition 12 of the permit established an annual operating limit of 5843 hours.

276. Condition 13 of the permit required that the hours of operation of EP #188.0 be monitored and recorded at the end of each month.

277. The emission limitations were established along with the hours of operation to insure that this emission source would be a synthetic minor and not subject to PSD review.

278. On April 9, 1997, the IDNR issued Air Quality Construction Permit No. 96-A-1028-S1, amending the earlier permit relating to NSPS requirements, but retaining the emission limitations, operating limits, and the hourly monitoring and record keeping requirements in Conditions 9, 12 and 13, respectively.

279. On April 1 and 5, 2013, GPC submitted to the IDNR GPC's 2012 Annual Compliance Certification Form, summarizing its compliance or deviation from permit

requirements. GPC's Deviation Report, Part 4C, reported that GPC had failed to record operating time for EP #188.0 from January through June of calendar year 2012.

EP #194.0, No. 3 Wet Germ Pneumatic Transfer System

280. On October 11, 2002, the IDNR issued "as built" Air Quality Construction Permit No. 02-A-783 to GPC for the No. 3 Wet Germ Pneumatic Transfer System, designated by GPC as EP #194.0. On October 28, 2002, the IDNR issued amended Air Quality Construction Permit No. 02-A-783-S1, correcting the control equipment listed from a baghouse to a cyclone.

281. Condition 10 of Air Quality Construction Permit No. 02-A-783-S1 contains a PM_{10} emission limitation of 0.07 lbs/hr.

282. Condition 12 of the permit required emissions testing of EP #194.0 to verify compliance with the PM_{10} emission limitation.

283. On February 27, 2003, GPC conducted emissions testing for PM_{10} from EP #194.0. The testing determined that the PM_{10} emissions were 0.1023 lbs/hr, 46% above the permitted emission limitation.

284. Despite the failed emissions testing in 2003, GPC's EIQs since 2003 do not show exceedances of the PM_{10} emission limitation.

285. GPC's EIQs since 2003 do not accurately report its PM_{10} emissions from EP #194.0, or GPC modified EP #194.0 to reduce its emissions without informing the IDNR of the modification.

EP #549.0, Tank 7 and Tank RJ2

286. On October 22, 2002, the IDNR issued Air Quality Construction Permit No. 02-A-797 to GPC for Tank #7, designated by GPC as EP #549.0 (formerly EP #488.0), with a capacity of 34,260 gallons.

287. GPC stores ethanol in this tank at a temperature of 90 degrees Fahrenheit, which at that temperature has a vapor pressure of 11.7 kPa.

288. On April 16, 2012, GPC submitted an application to modify the permit, which indicated that the tank's capacity was actually 41,873 gallons.

289. Tank #7 does not have an internal floating roof, external floating roof, or a closed vent system and control device to control air emissions.

290. On October 22, 2002, Air Quality Construction Permit No. 02-A-798 was issued to GPC for Tank RJ2, also designated by GPC as EP #549.0 (formerly EP #489.0) with a capacity of 34,260 gallons.

291. Condition 14 of Air Quality Construction Permit No. 02-A-798 requires that the material stored in the tank shall not have a vapor pressure that exceeds 5.2 kPa.

292. GPC stores ethanol in this tank at a temperature of 90 degrees Fahrenheit, which at that temperature has a vapor pressure of 11.7 kPa.

293. On April 16, 2012, GPC submitted an application to modify the permit, which indicated that the tank's capacity was actually 41,873 gallons.

294. Tank RJ2 does not have an internal floating roof, external floating roof, or a closed vent system and control device to control air emissions.

295. GPC's construction permit applications submitted on April 16, 2012, requested authorization to install a closed vent system with a control device for both Tank 7 and Tank RJ2.

296. On June 26, 2012, the IDNR issued Air Quality Construction Permit No. 12-A-255, to GPC authorizing a packed bed scrubber for controlling emissions from Tank 7 and Tank RJ2.

EP #550.0, Tank 5C

297. In 1987, GPC constructed a Tank 5C, designated by GPC as EP #550.0, for the storage of denatured ethanol liquid.

298. On January 4, 2013, submitted to IDNR a construction permit application indicating that Tank 5C has a capacity of 273,000 gallons and that the stored denatured ethanol liquid has a maximum true vapor pressure greater than 5.2 kPa.

299. Tank 5C is a fixed roof tank, with no internal floating roof and no air emission controls.

300. GPC's construction permit application submitted on January 4, 2013, seeks authorization to install a closed vent system with a control device.

1990's Plant Expansion

301. During the early 1990's, GPC undertook another plant expansion resulting in a substantial increase in the potential corn grind rate for the grain processing facility.

302. GPC's plant expansion was accomplished by applying for and obtaining numerous construction permits, without submitting them as one project, subject to PSD review. Between 1990 and 1993, GPC constructed new or modified emission units, which were subsequently discovered by the IDNR and for which GPC obtained numerous after-the-fact "as built" construction permits.

303. This plant expansion included but was not limited to the following EPs:

Emission Point (EP)	Source	Permit Number	Startup Date
38.0	GP2 Gluten Day Bin Aerodyne	71-A-067-S3	10/30/91
98.0	Expeller-Whole Germ Receiving	74-A-016-S2	6/20/1990
110.0	No. 1 Milling and Product Collectors	75-A-343-S1	4/1/91
113.0	No. 1 Mill Aerodyne	75-A-346-S1	4/1/91

128.0	No. 4 Milling and Product Collectors	80-A-113-S1	4/1/91
129.0	No. 4 Mill Product Collector	80-A-114-S1	4/1/91
144.0	Starch Warehouse Food Grade Bagger	90-A-307	1/1/91
158.0	No. 2 Starch Flash Dryer	90-A-258	12/15/90
159.0	No. 2 North Starch Silo	90-A-259	12/15/90
160.0	No. 2 North Starch Silo	90-A-260	12/15/90
161.0	No. 2 North Starch Silo	90-A-261	12/15/90
162.0	No. 2 North Starch Silo	90-A-262	12/15/90
163.0	No. 3 Starch Bulk Loadout	90-A-263	12/15/90
164.0	Dryer House 4, No. 7 Rotary Dryer	90-A-264	4/1/91
167.0	Dryer House 4, No. 2 Feed Cooler	90-A-111	10/1/90
168.0	Maltrin No. 5 Dryer	90-A-309	6/1/91
169.0	Maltrin No. 5 Dryer	90-A-310	6/1/91
171.0	No. 2 North Starch Silo	90-A-359	5/15/91
172.0	No. 2 North Starch Silo	90-A-360	5/15/91
173.0	#4 Gluten Flash Dryer	91-A-067	10/30/91
174.0	#4 Gluten Pre-mill Cooler	91-A-068	10/30/91
175.0	Maltrin Product Silo	91-A-069	10/1/91
176.0	Maltrin Nuisance Dust Collector	91-A-070	10/1/91
177.0	Power House Boiler #12	93-A-110	12/31/92
178.0	No. 5 Germ Dryer	91-A-176	3/31/92
179.0	GP2 Feed Truck Loadout	92-A-383	11/1/92
180.0	GP2 Feed Truck Loadout	92-A-385	11/1/92
181.1	South Elevator Corn Elevator Rail and Truck	76-A-264	8/1/91
181.2	South Elevator Corn Elevator Rail and	76-A-268	8/1/91

	Truck		
186.0	Maltrin #6 Spray Dryer	94-A-061	9/30/93
187.0	Maltrin #6 Spray Dryer	94-A-055	9/30/93
190A	GP2 Loadout Transfer and Truck Loadout	02-A-781	6/1/92
190B	GP2 Loadout Transfer and Truck Loadout	02-A-782	6/1/92
194.0	No. 3 Germ Dryer	02-A-783	1/1/91
545.0	Expellers #1-#17 (#15-#17 added)	06-A-1261	9/90

304. Although many of the EPs which were part of the 1990 plant expansion would have potential VOC, SO₂, CO, or NO_x emissions, none of the construction permit applications reported such potential emissions, except for EPs #168.0/169.0, #177.0, and #186.0/187.0. The applications did not seek a PSD construction permit, and did not undergo PSD review, except for EP #177.0 for NO_x emissions.

1990s Plant Expansion - VOC Emissions

305. GPC's EIQRs since 2002 have consistently reported VOC emissions from EP #164.0, Dryer House 4, No. 7 Rotary Dryer alone, far in excess of the 40 tpy significance level for triggering PSD requirements:

EP #164, Dryer House 4, No. 7 Rotary Dryer VOC Emissions (tpy)											
EY	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
VOC	-----	131.59	148.82	146.91	166.30	161.75	136.53	165.89	250.86	177.78	147.96

306. As part of Project 12-183 and its construction permit applications, GPC has reported potential VOC emissions from several of the EPs involved in the plant expansion, far in excess of the 40 tpy significance level for triggering PSD requirements:

Emission Point (EP)	Source	Potential VOC Emissions (tpy)
EP #158.0	No. 2 Starch Flash Dryer	1.270
EP #164.0	Dryer House 4, No. 7 Rotary Dryer	190.27
EP #167.0	Dryer House 4, No. 2 Feed Cooler	5.101

EP #168.0/169.0	Maltrin No. 5 Dryer	0.77
EP #173.0	#4 Gluten Flash Dryer	3.425
EP #174.0	GP2 No. 4 Gluten Pre-Mill Cooler	4.734
EP #177.0	Power House Boiler #12	81.1
EP #178.0	No. 5 Germ Dryer	34.219
EP #186.0/187.0	Maltrin #6 Spray Dryer	1.06
EP #194.0	No. 3 Germ Transport	34.219
EP #545	Expellers #1-17 (15-17 addition)	0.48
	TOTAL:	356.65

1990s Plant Expansion - SO₂ Emissions

307. GPC's EIQs since 2006 have consistently reported SO₂ emissions from EP #178.0, Wet Milling, No. 5 Germ Dryer alone, in excess of the 40 tpy significance level for triggering PSD requirements:

EP #178, Wet Milling, No. 5 Germ Dryer SO ₂ Emissions (tpy)											
EY	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
SO ₂	-----	-----	2.74	2.81	2.87	44.89	45.55	44.18	40.25	42.35	41.81

308. As part of Project 12-183 and its construction permit applications, GPC has reported potential SO₂ emissions from several of the EPs involved in the plant expansion, far in excess of the 40 tpy significance level for triggering PSD requirements:

Emission Point (EP)	Source	Potential SO ₂ Emissions (tpy)
EP #164.0	Dryer House 4, No. 7 Rotary Dryer	8.77
EP #168.0/169.0	Maltrin No. 5 Dryer	0.084
EP #173.0	#4 Gluten Flash Dryer	19.71
EP #177.0	Power House Boiler #12	1.00
EP #178.0	No. 5 Germ Dryer	81.03
EP #186.0/187.0	Maltrin #6 Spray Dryer	0.116
	TOTAL:	110.71

1990s Plant Expansion - CO Emissions

309. As part of Project 12-183 and its construction permit applications, GPC has reported potential CO emissions from several of the EPs involved in the plant expansion, far in excess of the 100 tpy significance level for triggering PSD requirements:

Emission Point (EP)	Source	Potential CO Emissions (tpy)
EP #168.0/169.0	Maltrin No. 5 Dryer	11.78
EP #173.0	#4 Gluten Flash Dryer	38.982
EP #177.0	Power House Boiler #12	123.8
EP #186.0/187.0	Maltrin #6 Spray Dryer	16.19
	TOTAL:	190.752

1990s Plant Expansion - NO_x Emissions

310. As part of Project 12-183 and its construction permit applications, GPC has reported potential NO_x emissions from several of the EPs involved in the plant expansion, far in excess of the 40 tpy significance level for triggering PSD requirements:

Emission Point (EP)	Source	Potential NO _x Emissions (tpy)
EP #168.0/169.0	Maltrin No. 5 Dryer	14.0
EP #173.0	#4 Gluten Flash Dryer	38.982
EP #177.0	Power House Boiler #12	294.8
EP #186.0/187.0	Maltrin #6 Spray Dryer	19.25
	TOTAL:	367.03

Only EP #177.0 went through PSD review for NO_x and BACT control of low-NO_x burner was required. Even without EP #177.0, the remaining EPs had potential NO_x emissions of 72.232 tpy, far in excess of the 40 tpy significance level for triggering PSD requirements.

311. GPC should have submitted in 1990 a single PSD permit application, undergone PSD review, and been subject to PSD requirements, including the requirement that BACT be applied to control the significant increases in VOC, SO₂, CO, and NO_x emissions resulting from the 1990s plant expansion.

312. Since 1990, GPC has failed to provide any air pollution control for its significant increases in VOC, SO₂, CO and NO_x emissions (other than the low-NO_x burner for EP #177.0, Power House Boiler No. 12) generated by the 1990s plant expansion

Emission Inventories (EIQs)

313. GPC has failed to report in its annual emission inventories (EIQs), including but not limited to its 2011 EIQ, actual emissions of one or more pollutants from at least 200 of its identified emission units. For the 2011 EIQ, Exhibit A, attached hereto and incorporated by reference, lists the pollutants and corresponding emission units for which GPC failed to report actual emissions.

314. Unreported actual emissions include PM, PM₁₀, PM_{2.5}, SO₂, VOCs, and numerous hazardous air pollutants including but not limited to acrolein, acetaldehyde, benzene, chlorine, ethylene oxide, formaldehyde, hexane, methanol, propylene oxide, and toluene.

315. Acrolein, acetaldehyde, benzene, chlorine, ethylene oxide, formaldehyde, hexane, methanol, propylene oxide, and toluene, are each designated as a "hazardous air pollutant" pursuant to 42 U.S.C. § 7412(a)(6) and 567 Iowa Admin. Code 22.100.

316. GPC also omitted the following emission units and their actual emissions altogether from their 2011 EIQ including but not limited to:

- Sulfur Burner
- Grind Bin #s 1-6
- Hull Handling
- Maltrin Storage Bins #s 1-4
- Maltrin Storage Bins #s 5-8
- Hydrochloric Acid Storage Tanks: EU #s 2441.0, 2442.0, 2443.0, 2444.0 and 3122.0
- Alpha Lavals: EU #1264.0 and others
- Dry Germ Bin
- Starch and Gluten Milling
- Haul Roads
- Equipment Leaks
- Steep Water Tank, EP #264
- Distillery Steep Water Tank, EP #265
- Starch Wall Fan, EP #278
- North Wet Corn Drag Vent Fan, EP #280
- South Wet Corn Drag Vent Fan, EP #281
- Wet Corn Drag Vent, EP #282
- Gluten Plant 1, VF Pump Discharge, EP #283

317. GPC failed to report these actual emissions despite knowledge of such emissions from US EPA AP42, Compilation of Air Pollutant Emission Factors, for wet corn milling processes; from other Iowa industries with similar processes which report actual emissions, not reported by GPC; and/or from GPC's own construction permit applications and stack test data regarding pollutant emissions from their facility.

318. GPC's failure to report all of its actual emissions of pollutants may have resulted in underpayment of Title V Operating Permit Fees.

Miscellaneous Organic Chemical Manufacturing (MON)

319. GPC's facility generates and emits numerous and large quantities of "hazardous air pollutants" as defined in 42 U.S.C. section 7412(a)(6) and listed in section 7412(b)(1).

320. GPC's emission inventories report *inter alia* total emissions of the following hazardous air pollutants:

GPC's Emissions of Certain Hazardous Air Pollutants in tons/year 2004-2012						
Year	Acetaldehyde	Formaldehyde	Hydrochloric Acid	Hydrogen Fluoride	Methanol	Total
2004	194.53	0.58	155.08	19.38	121.05	490.62
2005	231.63	0.58	151.70	18.98	170.09	572.98
2006	224.78	1.04	157.40	19.68	157.47	560.37
2007	176.96	1.02	155.48	19.44	99.40	452.30
2008	212.08	0.12	210.52	20.52	131.53	574.77
2009	109.00	-	388.92	18.40	26.59	542.91
2010	61.93	-	388.92	19.24	18.84	488.93
2011	51.58	-	376.16	18.62	15.70	462.06
2012	63.83	-	176.14	11.60	13.04	264.61

321. GPC's facility produces, in part, non-potable ethanol which is an organic chemical classified using the 1997 version of NAICS code 325.

322. GPC's ethanol denaturant MCPU processes, uses or generates many pollutants that are listed as an organic HAP in section 112(b) of the CAA, including but not limited to

benzene, hexane, methanol, and toluene.

323. GPC is a “major source” of hazardous air pollutants as defined in 42 U.S.C. section 7412(a)(1) and 567 Iowa Admin. 22.100.

324. GPC operates through its fuel and industrial ethanol production process “miscellaneous organic chemical manufacturing process units” (MCPUs), as defined in 40 C.F.R. section 63.2435(b), which are subject to the MON requirements pursuant to 40 C.F.R. sections 63.2435(a), as incorporated by 567 Iowa Admin. Code 23.1(4)“cf.”

325. GPC’s facility was an existing source on November 10, 2003, and was required to comply with MON requirements for existing sources no later than May 10, 2008. GPC failed to comply.

326. On February 2, 2010, GPC contacted IDNR to discuss whether GPC was subject to MON requirements contained in Subpart FFFF of Part 63.

327. After reviewing the MON applicability criteria, on February 3, 2010, the IDNR determined that GPC was subject to the MON, notified GPC, and requested that GPC submit its initial notification and a compliance plan.

328. On March 17, 2010, IDNR issued a Notice of Violation letter to GPC for failing to submit the initial MON notification, the notification of compliance status, the first compliance report, and a semi-annual report.

329. GPC was required to submit an initial notification regarding the applicability of MON requirements no later than March 9, 2004. GPC did not submit an initial notification until April 1, 2010.

330. GPC was required to submit a notification of compliance status report no later than October 7, 2008. GPC did not submit a notification of compliance status report until August 16, 2010.

331. GPC's notification of compliance status report included a determination of MON applicability but did not identify certain equipment subject to MON including but not limited to pre-fermenters and fermenters.

332. GPC was required to submit an initial compliance report no later than March 31, 2009. GPC has failed to comply.

333. GPC was required to submit a 6-month semi-annual report no later than September 30, 2009. GPC has failed to comply.

334. GPC was required to submit a 6-month semi-annual report no later than March 31, 2010. GPC has failed to comply.

335. GPC's facility has included a Group 1 storage tank, designated in its 2003 Title V Operating Permit as Emission Point ID # 302.0, Methanol Denaturant Tank, with a capacity of 12,225 gallons.

336. GPC's Group 1 storage tank was required to have a floating roof or vent to a closed system no later than May 10, 2008. GPC failed to comply until on or about January 19, 2011, when it replaced the Group 1 storage tank with Group 2 storage tank, with a capacity of 9,868 gallons.

337. GPC was required to implement a leak detection and repair (LDAR) program for its valves in light liquid service by no later than May 10, 2008. GPC failed to commence implementation of a leak detection and repair program for any of its valves until on or about June 1, 2010.

338. GPC was required to implement a leak detection and repair (LDAR) program for its pumps in light liquid service by no later than May 10, 2008. GPC failed to implement a leak detection and repair (LDAR) program for any of its pumps until on or about June 1, 2010.

339. On September 2, 2010, GPC submitted to IDNR a Subpart UU Semi-Annual Report for the period of January 1 through June 30, 2010, which indicated GPC conducted an LDAR program only during June 2010, at which time GPC inspected 106 valves, 3 of which were leaking and were repaired, and inspected 4 pumps.

340. On March 30, 2011, GPC submitted to IDNR a Semi-Annual Monitoring Report for the period July 1 through December 31, 2010, which indicated that GPC performed an LDAR program during each month for its pumps and valves, except September for its valves, and that during this 6-month period, GPC reported 2 leaking pumps and 3 leaking valves which were repaired.

Construction of Biosolids Gravity Settler #5 without a Permit

341. Wastewater is generated at GPC's facility from corn sweetener and feed recovery units; ethyl alcohol production, feed recovery units, and power house; corn steeping and starch refining units; starch plant, softener backwash water; anaerobic/activated sludge wastewater treatment plant, non-contact cooling water; and surface runoff from the entire plant.

342. GPC's wastewater is discharged to the Mississippi River from six outfalls pursuant to National Pollutant Discharge Elimination System (NPDES) Permit No. 7048101, issued on March 24, 1998, with an expiration date of March 23, 2003. The permit would have expired on March 23, 2003, except that on September 12, 2002, GPC filed a timely renewal application which is pending. Pursuant to Iowa Code section 17A.18(2), GPC's NPDES permit remains in effect until the application is finally determined by the IDNR.

343. NPDES Permit No. 7048101, Standard Condition 17(b) requires GPC to first obtain a written permit from the IDNR before “any modification of, addition to, or construction of a disposal system is made.”

344. On August 20, 2010, GPC informed the IDNR by email that GPC was constructing a new anaerobic settler. The anaerobic settler would be a 1.9 million gallon gravity settler. GPC requested that an IDNR Project Manager be assigned to the project.

345. On August 23, 2010, IDNR replied to the email from GPC, stating that a project initiation meeting was the next step for procedures in wastewater construction permitting.

346. On September 21, 2010, IDNR and GPC participated in a project initiation meeting in Des Moines, Iowa, with the IDNR Field Office #6 joining the meeting via teleconference. During the meeting, GPC indicated that construction had already begun on a new anaerobic settler. GPC stated that no permit application had been submitted because of internal miscommunication within GPC. GPC reported that it had stopped construction as soon as it was discovered the construction permit had not been obtained.

347. On September 24, 2010, IDNR Field Office #6 staff visited GPC to document the extent of construction on the anaerobic settler. The IDNR observed construction workers proceeding with construction despite the fact that no construction permit application had been submitted or approved by IDNR. The GPC project engineer indicated that the anaerobic settler was approximately 75% complete.

348. On October 27, 2010, the IDNR issued a Notice of Violation letter to GPC for failing to obtain a wastewater construction permit prior to beginning construction of the anaerobic settler. The letter requested GPC to not connect the settler to the activated sludge

treatment project until the project's construction permit application was reviewed and approved by the IDNR.

349. On November 1, 2010, GPC submitted an after-the-fact construction permit application to the IDNR for the anaerobic settler.

350. On March 30, 2011, after review of GPC's as-built plans dated January 31, 2011, specifications and design schedules, the IDNR advised GPC that no after-the-fact construction permit would be issued but that the project design was in conformance with applicable Iowa Wastewater Facilities Design Standards and met applicable separation distances.

Failure to Provide Timely Notice of 800,000 Wastewater Spill

351. On or about August 27, 2012, 800,000 gallons of anaerobic biosolids slurry was released through 6-inch diameter corroded hole in GPC's #1 Digester Tank, spilling onto the ground.

352. GPC discovered the spill on August 27, 2012, at or before 1:00 a.m., but did not make a report to the IDNR until August 28, 2012, at 4:59 p.m.

353. GPC's initial report, by email rather than telephone, while stating that the spill was contained, failed to reveal the size of the spill.

354. On February 11, 2013, GPC submitted a written report revealing that "[a]naerobic biosolids slurry, approximately 800,000 gallons" was spilled.

355. GPC's failure to timely report and describe the wastewater spill deprived the IDNR of the opportunity to evaluate the spill and determine whether the public should be notified and whether additional corrective action was required.

COUNT I

EXCESS AIR POLLUTANT EMISSIONS

EP #126.0, Wet Milling, No. 4 Germ Dryer

356. Since on or about January 1, 2002, GPC's EP #126.0, Wet Milling, No. 4 Germ Dryer, has continuously and repeatedly emitted SO₂ in excess of emission limitations in violation of Air Quality Construction Permit No. 79-A-195-S and 567 Iowa Admin. Code 24.1(4).

WHEREFORE, Plaintiff State of Iowa, ex rel., Iowa Department of Natural Resources requests that the Court:

- a. assess a civil penalty against Defendant Grain Processing Corporation pursuant to Iowa Code section 455B.146 for each day of violation of Air Quality Construction Permit No. 79-A-195-S and 567 Iowa Admin. Code 24.1(4) after April 16, 2011, not to exceed Ten Thousand Dollars (\$10,000.00) for each day of each such violation; and
- b. permanently enjoin Defendant Grain Processing Corporation from further violations of Air Quality Construction Permit No. 79-A-195-S and 567 Iowa Admin. Code 24.1(4).

Plaintiff further requests that the Court tax the costs of this action to the Defendant and provide such other relief as the Court may deem just and proper.

COUNT II

EXCESS AIR POLLUTANT EMISSIONS

EP #173.0, No. 4 Gluten Flash Dryer

357. From on or before June 9, 2010, until November 30, 2011, GPC's EP #173.0, No. 4 Gluten Flash Dryer, emitted PM in excess of emission limitations in violation of Air Quality Construction Permit No. 91-A-067-S2 and 567 Iowa Admin. Code 24.1(4).

358. From on or before June 9, 2010, until November 30, 2011, GPC's EP #173.0, No. 4 Gluten Flash Dryer, emitted PM₁₀ in excess of emission limitations in violation of Air Quality Construction Permit No. 91-A-067-S2 and 567 Iowa Admin. Code 24.1(4).

359. From on or before June 9, 2010, until November 30, 2011, GPC's EP #173.0,

No. 4 Gluten Flash Dryer, emitted SO₂ in excess of emission limitations in violation of Air Quality Construction Permit No. 91-A-067-S2 and 567 Iowa Admin. Code 24.1(4).

360. From on or before September 23, 2010, until at least November 30, 2011, GPC failed to verify compliance with its emission limits for PM in violation of Air Quality Construction Permit No. 91-A-067-S2.

361. From on or before September 23, 2010, until at least November 30, 2011, GPC failed to verify compliance with its emission limits for PM₁₀ in violation of Air Quality Construction Permit No. 91-A-067-S2.

362. From on or before September 23, 2010, until at least November 30, 2011, GPC failed to verify compliance with its emission limits for SO₂ in violation of Air Quality Construction Permit No. 91-A-067-S2.

WHEREFORE, Plaintiff State of Iowa, ex rel., Iowa Department of Natural Resources requests that the Court:

- a. assess a civil penalty against Defendant Grain Processing Corporation pursuant to Iowa Code section 455B.146 for each day of violation of Air Quality Construction Permit No. 91-A-067-S2 and 567 Iowa Admin. Code 24.1(4), not to exceed Ten Thousand Dollars (\$10,000.00) for each day of each such violation; and
- b. permanently enjoin Defendant Grain Processing Corporation from further violations of Air Quality Construction Permit No. 91-A-067-S2 and 567 Iowa Admin. Code 24.1(4).

Plaintiff further requests that the Court tax the costs of this action to the Defendant and provide such other relief as the Court may deem just and proper.

COUNT III

EXCESS AIR POLLUTANT EMISSIONS

EP #194.0, No. 3 Wet Germ Pneumatic Transfer System

363. Since on or before February 27, 2003, GPC has emitted PM₁₀ in excess of its permitted emission limit, in violation of Air Quality Construction Permit No. 02-A-783-S1 and 567 Iowa Admin. Code 24.1(4).

364. Since January 8, 2003, GPC has failed to verify compliance with its PM₁₀ emission limitation in violation of Air Quality Construction Permit No. 02-A-783-S1.

WHEREFORE, Plaintiff State of Iowa, ex rel., Iowa Department of Natural Resources requests that the Court:

- a. assess a civil penalty against Defendant Grain Processing Corporation pursuant to Iowa Code section 455B.146 for each day of violation of Air Quality Construction Permit No. 02-A-783-S1 and 567 Iowa Admin. Code 24.1(4), after April 16, 2011, not to exceed Ten Thousand Dollars (\$10,000.00) for each day of each such violation; and
- b. permanently enjoin Defendant Grain Processing Corporation from further violations of Air Quality Construction Permit No. 02-A-783-S1 and 567 Iowa Admin. Code 24.1(4).

Plaintiff further requests that the Court tax the costs of this action to the Defendant and provide such other relief as the Court may deem just and proper.

COUNT IV

FAILURE TO MAINTAIN AND REPAIR

EP #126.0, Wet Milling, No. 4 Germ Dryer

365. Since on or about January 1, 2002, GPC has failed to maintain and operate EP #126.0, Wet Milling, No. 4 Germ Dryer so as to minimize emissions in violation of Air Quality Construction Permit No. 79-A-195-S and 567 Iowa Admin. Code 24.2(1)“a”.

366. Since on or about January 1, 2002, GPC has failed to remedy the cause of excess emissions from EP #126.0, Wet Milling, No. 4 Germ Dryer in an expeditious manner in

violation of Air Quality Construction Permit No. 79-A-195-S and 567 Iowa Admin. Code 24.2(1)“b”.

367. Since on or about January 1, 2002, GPC has failed to minimize the amount and duration of the excess emissions from EP #126.0, Wet Milling, No. 4 Germ Dryer to the maximum extent possible in violation of Air Quality Construction Permit No. 79-A-195-S and 567 Iowa Admin. Code 24.2(1)“c”.

368. Since on or about January 1, 2002, GPC has failed to repair the control equipment for EP #126.0, Wet Milling, No. 4 Germ Dryer in an expeditious manner or shutdown the process within a reasonable period of time in violation of Air Quality Construction Permit No. 79-A-195-S and 567 Iowa Admin. Code 24.1(4).

WHEREFORE, Plaintiff State of Iowa ex rel., Iowa Department of Natural Resources, requests that the Court:

- a. assess a civil penalty against Defendant Grain Processing Corporation pursuant to Iowa Code section 455B.146 for each day of violation of Air Quality Construction Permit No. 79-A-195-S and 567 Iowa Admin. Code 24.1(4), 24.2(1)“a”, 24.2(1)“b”, and 24.2(1)“c”, after April 16, 2011, not to exceed Ten Thousand Dollars (\$10,000.00) for each day of each such violation; and
- b. permanently enjoin Defendant Grain Processing Corporation from further violations of Air Quality Construction Permit No. 79-A-195-S and 567 Iowa Admin. Code 24.1(4), 24.2(1)“a”, 24.2(1)“b”, and 24.2(1)“c”.

Plaintiff further requests that the Court tax the costs of this action to the Defendant and provide such other relief as the Court may deem just and proper.

COUNT V

FAILURE TO MAINTAIN AND REPAIR

EP #173.0, No. 4 Gluten Flash Dryer

369. From on or before June 9, 2010, until November 30, 2011, GPC failed to maintain and operate EP #173.0 and associated control equipment to minimize emissions in violation of Air Quality Construction Permit No. 91-A-067-S2 and 567 Iowa Admin. Code 24.2(1)“a”.

370. From on or before June 9, 2010, until November 30, 2011, GPC failed to remedy the cause of excess emissions from EP #173.0 in an expeditious manner in violation of Air Quality Construction Permit No. 91-A-067-S2 and 567 Iowa Admin. Code 24.2(1)“b”.

371. From on or before June 9, 2010, until November 30, 2011, GPC failed to minimize the amount and duration of the excess emissions from EP #173.0 to the maximum extent possible in violation of Air Quality Construction Permit No. 91-A-067-S2 and 567 Iowa Admin. Code 24.2(1)“c”.

372. From on or before June 9, 2010, until November 30, 2011, GPC failed to repair the control equipment for EP #173.0 in an expeditious manner or shutdown the process within a reasonable period of time in violation of Air Quality Construction Permit No. 91-A-067-S2 and 567 Iowa Admin. Code 24.1(4).

WHEREFORE, Plaintiff State of Iowa ex rel., Iowa Department of Natural Resources, requests that the Court:

- a. assess a civil penalty against Defendant Grain Processing Corporation pursuant to Iowa Code section 455B.146 for each day of violation of Air Quality Construction Permit No. 91-A-067-S2 and 567 Iowa Admin. Code 24.1(4), 24.2(1)“a”, 24.2(1)“b”, and 24.2(1)“c”, not to exceed Ten Thousand Dollars (\$10,000.00) for each day of each such violation; and
- b. permanently enjoin Defendant Grain Processing Corporation from further violations of Air Quality Construction Permit No. 91-A-067-S2 and 567 Iowa Admin. Code 24.1(4), 24.2(1)“a”, 24.2(1)“b”, and 24.2(1)“c”.

Plaintiff further requests that the Court tax the costs of this action to the Defendant and provide such other relief as the Court may deem just and proper.

COUNT VI

FAILURE TO MAINTAIN AND REPAIR

EP #194.0, No. 3 Wet Germ Pneumatic Transfer System

373. Since on or before February 27, 2003, GPC failed to maintain and operate EP #194.0, No. 3 Wet Germ Pneumatic Transfer System to minimize emissions in violation of Air Quality Construction Permit No. 02-A-783-S1 and 567 Iowa Admin. Code 24.2(1)“a”.

374. Since on or before February 27, 2003, GPC failed to remedy the cause of excess emissions from EP #194.0, No. 3 Wet Germ Pneumatic Transfer System in an expeditious manner in violation of Air Quality Construction Permit No. 02-A-783-S1 and 567 Iowa Admin. Code 24.2(1)“b”.

375. Since on or before February 27, 2003, GPC failed to minimize the amount and duration of the excess emissions from EP #194.0, No. 3 Wet Germ Pneumatic Transfer System to the maximum extent possible in violation of Air Quality Construction Permit No. 02-A-783-S1 and 567 Iowa Admin. Code 24.2(1)“c”.

376. Since on or before February 27, 2003, GPC failed to repair the control equipment for EP #194.0, No. 3 Wet Germ Pneumatic Transfer System in an expeditious manner or shutdown the process within a reasonable period of time in violation of Air Quality Construction Permit No. 02-A-783-S1 and 567 Iowa Admin. Code 24.1(4).

WHEREFORE, Plaintiff State of Iowa ex rel., Iowa Department of Natural Resources, requests that the Court:

- a. assess a civil penalty against Defendant Grain Processing Corporation pursuant to Iowa Code section 455B.146 for each day of violation of Air Quality

Construction Permit No. 02-A-783-S1 and 567 Iowa Admin. Code 24.1(4), 24.2(1)“a”, 24.2(1)“b”, and 24.2(1)“c”, after April 16, 2011, not to exceed Ten Thousand Dollars (\$10,000.00) for each day of each such violation; and

- b. permanently enjoin Defendant Grain Processing Corporation from further violations of Air Quality Construction Permit No. 02-A-783-S1 and 567 Iowa Admin. Code 24.1(4), 24.2(1)“a”, 24.2(1)“b”, and 24.2(1)“c”.

Plaintiff further requests that the Court tax the costs of this action to the Defendant and provide such other relief as the Court may deem just and proper.

COUNT VII

PSD VIOLATIONS

EP #127.0, Dryer House 4, No. 5 Rotary Dryer (and associated 1980 projects)

377. GPC’s physical change in its operation by the addition in 1980 of EPs #127.0, #128.0, and #129.0 constituted a “major modification” resulting in a “significant emissions increase” of VOCs, a “regulated NSR pollutant,” and a “significant net emissions increase” of that pollutant from a “major stationary source,” each as defined in 567 Iowa Admin. Code 33.3(1).

378. Since 1980, GPC has failed to apply for and obtain a PSD permit for the addition of EPs #127.0, #128.0, and #129.0, as required by 567 Iowa Admin. Code 22.4, 33.3(2)“a”, and 33.3(2)“b”.

379. Since 1980, GPC has failed to apply best available control technology to control the significant increases in VOC emissions from EPs #127.0, #128.0, and #129.0, in violation of 567 Iowa Admin. Code 22.4 and 33.3(10), and has failed to comply with the additional PSD requirements contained in 567 Iowa Admin. Code 33.3(11), 33.3(13), 33.3(14), and 33.3(15).

380. In the alternative, GPC’s modification in the method of operation in 2002 for EP #127.0, Dryer House 4, No. 5 Rotary Dryer, constituted a “major modification” resulting in a

“significant emissions increase” of VOCs, a “regulated NSR pollutant,” and a “significant net emissions increase” of that pollutant from a “major stationary source,” each as defined in 567 Iowa Admin. Code 33.3(1).

381. Since 2002, GPC has failed to apply for and obtain a PSD permit for the modification in EP #127.0, as required by 567 Iowa Admin. Code 22.4, 33.3(2)“a”, and 33.3(2)“b”.

382. Since 2002, GPC has failed to apply best available control technology to control the significant increases in VOC emissions from EP #127.0, in violation of 567 Iowa Admin. Code 22.4 and 33.3(10), and has failed to comply with the additional PSD requirements contained in 567 Iowa Admin. Code 33.3(11), 33.3(13), 33.3(14), and 33.3(15).

WHEREFORE, Plaintiff State of Iowa ex rel., Iowa Department of Natural Resources, requests that the Court:

- a. permanently enjoin Defendant Grain Processing Corporation from further violations of 567 Iowa Admin. Code 22.4, 33.3(2)“a”, 33.3(2)“b”, 33.3(10), 33.3(11), 33.3(13), 33.3(14), and 33.3(15); and
- b. order Defendant Grain Processing Corporation by a date certain to fully comply with PSD requirements and implement the best available control technology to control its VOC emissions from EPs #127.0, #128.0, and #129.0, or

Plaintiff further requests that the Court tax the costs of this action to the Defendant and provide such other relief as the Court may deem just and proper.

COUNT VIII

PSD VIOLATIONS

EP #137.0, Dryer House 4, No. 6 Rotary Dryer **(and associated 1985 projects)**

383. GPC’s physical change in its operation by the addition in 1985 of EPs #135.0 through #153.0, constituted a “major modification” resulting in a “significant emissions

increase” of VOCs, a “regulated NSR pollutant,” and a “significant net emissions increase” of that pollutants from a “major stationary source,” each as defined in 567 Iowa Admin. Code 33.3(1).

384. GPC’s physical change in its operation by the addition in 1985 of EPs #135.0 through #153.0, constituted a “major modification” resulting in a “significant emissions increase” of CO, a “regulated NSR pollutant,” and a “significant net emissions increase” of that pollutants from a “major stationary source,” each as defined in 567 Iowa Admin. Code 33.3(1).

385. GPC’s physical change in its operation by the addition in 1985 of EPs #135.0 through #153.0, constituted a “major modification” resulting in a “significant emissions increase” of NO_x, a “regulated NSR pollutant,” and a “significant net emissions increase” of that pollutants from a “major stationary source,” each as defined in 567 Iowa Admin. Code 33.3(1).

386. Since 1985, GPC has failed to apply for and obtain a PSD permit for the addition of EPs #135.0 through #153.0, as required by 567 Iowa Admin. Code 22.4, 33.3(2)“a”, and 33.3(2)“b”.

387. Since 1985, GPC has failed to apply best available control technology to control the significant increases in VOC, CO, and NO_x emissions from EPs #135.0 through #153.0, in violation of 567 Iowa Admin. Code 22.4 and 33.3(10), and has failed to comply with the additional PSD requirements contained in 567 Iowa Admin. Code 33.3(11), 33.3(13), 33.3(14), and 33.3(15).

388. In the alternative, GPC’s modification in the method of operation in 2002 for EP #137.0, Dryer House 4, No. 6 Rotary Dryer, constituted a “major modification” resulting in a “significant emissions increase” of VOCs, a “regulated NSR pollutant,” and a “significant net

emissions increase” of that pollutant from a “major stationary source,” each as defined in 567 Iowa Admin. Code 33.3(1).

389. Since 2002, GPC has failed to apply for and obtain a PSD permit for the modification in EP #137.0, as required by 567 Iowa Admin. Code 22.4, 33.3(2)“a”, and 33.3(2)“b”.

390. Since 2002, GPC has failed to apply best available control technology to control the significant increases in VOC emissions from EP #137.0, in violation of 567 Iowa Admin. Code 22.4 and 33.3(10), and has failed to comply with the additional PSD requirements contained in 567 Iowa Admin. Code 33.3(11), 33.3(13), 33.3(14), and 33.3(15).

WHEREFORE, Plaintiff State of Iowa ex rel., Iowa Department of Natural Resources, requests that the Court:

- a. permanently enjoin Defendant Grain Processing Corporation from further violations of 567 Iowa Admin. Code 22.4, 33.3(2)“a”, 33.3(2)“b”, 33.3(10), 33.3(11), 33.3(13), 33.3(14), and 33.3(15);
- b. order Defendant Grain Processing Corporation by a date certain to fully comply with PSD requirements and implement the best available control technology to control its VOC emissions from EPs #135.0 through #153.0;
- c. order Defendant Grain Processing Corporation by a date certain to fully comply with PSD requirements and implement the best available control technology to control its CO emissions from EPs #135.0 through #153.0; and
- d. order Defendant Grain Processing Corporation by a date certain to fully comply with PSD requirements and implement the best available control technology to control its NO_x emissions from EPs #135.0 through #153.0.

Plaintiff further requests that the Court tax the costs of this action to the Defendant and provide such other relief as the Court may deem just and proper.

COUNT IX

PSD VIOLATIONS

EP #164.0, Dryer House 4, No. 7 Rotary Dryer
(and associated 1990 projects)

391. GPC's physical change in its operation by the addition in 1990 or thereafter of EPs #164.0 through #167.0, and #110.0, #113.0, #128.0 and #129.0, constituted a "major modification" resulting in a "significant emissions increase" of VOCs, a "regulated NSR pollutant," and a "significant net emissions increase" of those pollutants from a "major stationary source," each as defined in 567 Iowa Admin. Code 33.3(1).

392. Since 1990, GPC has failed to apply for and obtain a PSD permit for the addition of EPs #164.0 through #167.0, and #110.0, #113.0, #128.0 and #129.0, as required by 567 Iowa Admin. Code 22.4, 33.3(2)"a", and 33.3(2)"b".

393. Since 1990, GPC has failed to apply best available control technology to control the significant increases in VOC emissions from EPs #164.0 through #167.0, and #110.0, #113.0, #128.0 and #129.0, in violation of 567 Iowa Admin. Code 22.4 and 33.3(10), and has failed to comply with the additional PSD requirements contained in 567 Iowa Admin. Code 33.3(11), 33.3(13), 33.3(14), and 33.3(15).

394. In the alternative, GPC's modification in the method of operation in 2002 for EP #164.0, Dryer House 4, No. 7 Rotary Dryer, constituted a "major modification" resulting in a "significant emissions increase" of VOCs, a "regulated NSR pollutant," and a "significant net emissions increase" of that pollutant from a "major stationary source," each as defined in 567 Iowa Admin. Code 33.3(1).

395. Since 2002, GPC has failed to apply for and obtain a PSD permit for the modification in EP #164.0, as required by 567 Iowa Admin. Code 22.4, 33.3(2)"a", and 33.3(2)"b".

396. Since 2002, GPC has failed to apply best available control technology to control the significant increases in VOC emissions from EP #164.0, in violation of 567 Iowa Admin. Code 22.4 and 33.3(10), and has failed to comply with the additional PSD requirements contained in 567 Iowa Admin. Code 33.3(11), 33.3(13), 33.3(14), and 33.3(15).

WHEREFORE, Plaintiff State of Iowa ex rel., Iowa Department of Natural Resources, requests that the Court:

- a. permanently enjoin Defendant Grain Processing Corporation from further violations of 567 Iowa Admin. Code 22.4, 33.3(2)“a”, 33.3(2)“b”, 33.3(10), 33.3(11), 33.3(13), 33.3(14), and 33.3(15); and
- b. order Defendant Grain Processing Corporation by a date certain to fully comply with PSD requirements and implement the best available control technology to control its VOC emissions from EPs #164.0 through #167.0, and #110.0, #113.0, #128.0 and #129.0.

Plaintiff further requests that the Court tax the costs of this action to the Defendant and provide such other relief as the Court may deem just and proper

COUNT X

PSD VIOLATIONS

EP #173.0, No. 4 Gluten Flash Dryer

397. GPC’s physical change or change in its methods of operation of EP #173.0, No. 4 Gluten Flash Dryer, constituted a “major modification” resulting in a “significant emissions increase” of PM, a “regulated NSR pollutant,” and a “significant net emissions increase” of each pollutant from a “major stationary source,” each as defined in 567 Iowa Admin. Code 33.3(1).

398. GPC’s physical change or change in its methods of operation of EP #173.0, No. 4 Gluten Flash Dryer, constituted a “major modification” resulting in a “significant emissions increase” of PM₁₀, a “regulated NSR pollutant,” and a “significant net emissions increase” of

each pollutant from a “major stationary source,” each as defined in 567 Iowa Admin. Code 33.3(1).

399. GPC’s physical change or change in its methods of operation of EP #173.0, No. 4 Gluten Flash Dryer, constituted a “major modification” resulting in a “significant emissions increase” of SO₂, a “regulated NSR pollutant,” and a “significant net emissions increase” of each pollutant from a “major stationary source,” each as defined in 567 Iowa Admin. Code 33.3(1).

400. Since EP #173.0 was modified resulting in significant increases in PM, PM₁₀, and SO₂ emissions, GPC has failed to apply for and obtain a PSD permit, in violation of 567 Iowa Admin. Code 22.4, 33.3(2)“a”, and 33.3(2)“b”.

401. GPC failed to apply best available control technology to control emissions from the No. 4 Gluten Flash Dryer, in violation of 567 Iowa Admin. Code 22.4 and 33.3(10), and has failed to comply with the additional PSD requirements contained in 567 Iowa Admin. Code 33.3(11), 33.3(13), 33.3(14), and 33.3(15).

WHEREFORE, Plaintiff State of Iowa ex rel., Iowa Department of Natural Resources, requests that the Court:

- a. assess a civil penalty against Defendant Grain Processing Corporation pursuant to Iowa Code section 455B.146 for each day of violation of 567 Iowa Admin. Code 22.4, 33.3(2)“a”, 33.3(2)“b”, 33.3(10), 33.3(11), 33.3(13), 33.3(14), and 33.3(15), not to exceed Ten Thousand Dollars (\$10,000.00) for each day of each such violation;
- b. order Defendant Grain Processing Corporation by a date certain to fully comply with PSD requirements and implement the best available control technology to control its PM emissions from EP #173.0;
- c. order Defendant Grain Processing Corporation by a date certain to fully comply with PSD requirements and implement the best available control technology to control its PM₁₀ emissions from EP #173.0;

- d. order Defendant Grain Processing Corporation by a date certain to fully comply with PSD requirements and implement the best available control technology to control its SO₂ emissions from EP #173.0; and
- e. permanently enjoin Defendant Grain Processing Corporation from further violations of 567 Iowa Admin. Code 22.4, 33.3(2)“a”, 33.3(2)“b”, 33.3(10), 33.3(11), 33.3(13), 33.3(14), and 33.3(15).

Plaintiff further requests that the Court tax the costs of this action to the Defendant and provide such other relief as the Court may deem just and proper.

COUNT XI

PSD VIOLATIONS

EP #177.0, Power House Boiler No. 12

402. GPC’s physical change or change in its methods of operation of EP #177.0, Power House Boiler No. 12, constituted a “major modification” resulting in a “significant emissions increase” of VOCs, a “regulated NSR pollutant,” and a “significant net emissions increase” of that pollutant from a “major stationary source,” each as defined in 567 Iowa Admin. Code 33.3(1).

403. GPC’s physical change or change in its methods of operation of EP #177.0, Power House Boiler No. 12, constituted a “major modification” resulting in a “significant emissions increase” of CO, a “regulated NSR pollutant,” and a “significant net emissions increase” of that pollutant from a “major stationary source,” each as defined in 567 Iowa Admin. Code 33.3(1).

404. Since EP #177.0 was first constructed or when it was later modified resulting in a significant increase in VOC and CO emissions, GPC has failed to apply for and obtain a PSD permit, as required by 567 Iowa Admin. Code 22.4, 33.3(2)“a”, and 33.3(2)“b”.

405. Since EP #177.0 was first constructed or when it was later modified resulting in a significant increase in emissions, GPC has failed to apply best available control technology to control the significant increases in VOC and CO emissions, in violation of 567 Iowa Admin. Code 22.4 and 33.3(10), and has failed to comply with the additional PSD requirements contained in 567 Iowa Admin. Code 33.3(11), 33.3(13), 33.3(14), and 33.3(15).

WHEREFORE, Plaintiff State of Iowa ex rel., Iowa Department of Natural Resources, requests that the Court:

- a. permanently enjoin Defendant Grain Processing Corporation from further violations of 567 Iowa Admin. Code 22.4, 33.3(2)“a”, 33.3(2)“b”, 33.3(10), 33.3(11), 33.3(13), 33.3(14), and 33.3(15);
- b. order Defendant Grain Processing Corporation by a date certain to fully comply with PSD requirements and implement the best available control technology to control its VOC emissions from EPs #177.0; and
- c. order Defendant Grain Processing Corporation by a date certain to fully comply with PSD requirements and implement the best available control technology to control its CO emissions from EPs #177.0.

Plaintiff further requests that the Court tax the costs of this action to the Defendant and provide such other relief as the Court may deem just and proper.

COUNT XII

PSD VIOLATIONS

EP #178.0, Wet Milling, No. 5 Germ Dryer and EP #194.0, No. 3 Wet Germ Pneumatic Transfer System

406. GPC's physical change or change in its methods of operation of EP #178.0, Wet Milling, No. 5 Germ Dryer, and EP #194.0, No. 3 Wet Germ Pneumatic Transfer System, constituted a "major modification" resulting in a "significant emissions increase" of SO₂, a "regulated NSR pollutant," and a "significant net emissions increase" of that pollutant from a "major stationary source," each as defined in 567 Iowa Admin. Code 33.3(1).

407. GPC's physical change or change in its methods of operation of EP #178.0, Wet Milling, No. 5 Germ Dryer, and EP #194.0, No. 3 Wet Germ Pneumatic Transfer System, constituted a "major modification" resulting in a "significant emissions increase" of VOCs, a "regulated NSR pollutant," and a "significant net emissions increase" of that pollutant from a "major stationary source," each as defined in 567 Iowa Admin. Code 33.3(1).

408. Since EPs #178.0 and #194.0 were first constructed or when later modified resulting in significant increases in SO₂ and VOC emissions, GPC has failed to apply for and obtain a PSD permit, as required by 567 Iowa Admin. Code 22.4, 33.3(2)"a", and 33.3(2)"b".

409. Since EPs #178.0 and #194.0 were first constructed or when later modified resulting in a significant increase in SO₂ and VOC emissions, GPC has failed to apply best available control technology to control the significant increases in emissions, in violation of 567 Iowa Admin. Code 22.4 and 33.3(10), and has failed to comply with the additional PSD requirements contained in 567 Iowa Admin. Code 33.3(11), 33.3(13), 33.3(14), and 33.3(15).

WHEREFORE, Plaintiff State of Iowa ex rel., Iowa Department of Natural Resources, requests that the Court:

- a. permanently enjoin Defendant Grain Processing Corporation from further violations of 567 Iowa Admin. Code 22.4, 33.3(2)"a", 33.3(2)"b", 33.3(10), 33.3(11), 33.3(13), 33.3(14), and 33.3(15);
- b. order Defendant Grain Processing Corporation by a date certain to fully comply with PSD requirements and implement the best available control technology to control its SO₂ emissions from EPs #178.0 and #194.0; and
- c. order Defendant Grain Processing Corporation by a date certain to fully comply with PSD requirements and implement the best available control technology to control its VOC emissions from EPs #178.0 and #194.0.

Plaintiff further requests that the Court tax the costs of this action to the Defendant and provide such other relief as the Court may deem just and proper.

COUNT XIII

PSD VIOLATIONS

1990s Plant Expansion

410. GPC's physical change or change in its methods of operation of the EPs listed in paragraph 303, constituted a "major modification" resulting in a "significant emissions increase" of VOC, a "regulated NSR pollutant," and a "significant net emissions increase" of those pollutants from a "major stationary source," each as defined in 567 Iowa Admin. Code 33.3(1).

411. GPC's physical change or change in its methods of operation of the EPs listed in paragraph 303, constituted a "major modification" resulting in a "significant emissions increase" of SO₂, a "regulated NSR pollutant," and a "significant net emissions increase" of those pollutants from a "major stationary source," each as defined in 567 Iowa Admin. Code 33.3(1).

412. GPC's physical change or change in its methods of operation of the EPs listed in paragraph 303, constituted a "major modification" resulting in a "significant emissions increase" of CO, a "regulated NSR pollutant," and a "significant net emissions increase" of those pollutants from a "major stationary source," each as defined in 567 Iowa Admin. Code 33.3(1).

413. GPC's physical change or change in its methods of operation of the EPs listed in paragraph 303, constituted a "major modification" resulting in a "significant emissions increase" of NO_x, a "regulated NSR pollutant," and a "significant net emissions increase" of those pollutants from a "major stationary source," each as defined in 567 Iowa Admin. Code 33.3(1).

414. Since the 1990s Plant expansion, GPC has failed to apply for and obtain a PSD permit, as required by 567 Iowa Admin. Code 22.4, 33.3(2)“a”, and 33.3(2)“b”.

415. Since the 1990s Plant expansion, GPC has failed to apply best available control technology to control the significant increases in VOC, SO₂, CO, and NO_x emissions, in violation of 567 Iowa Admin. Code 22.4 and 33.3(10), and has failed to comply with the additional PSD requirements contained in 567 Iowa Admin. Code 33.3(11), 33.3(13), 33.3(14), and 33.3(15).

WHEREFORE, Plaintiff State of Iowa ex rel., Iowa Department of Natural Resources, requests that the Court:

- a. permanently enjoin Defendant Grain Processing Corporation from further violations of 567 Iowa Admin. Code 22.4, 33.3(2)“a”, 33.3(2)“b”, 33.3(10), 33.3(11), 33.3(13), 33.3(14), and 33.3(15);
- b. order Defendant Grain Processing Corporation by a date certain to fully comply with PSD requirements and implement the best available control technology to control its VOC emissions generated by the 1990s Plant expansion;
- c. order Defendant Grain Processing Corporation by a date certain to fully comply with PSD requirements and implement the best available control technology to control its SO₂ emissions generated by the 1990s Plant expansion;
- d. order Defendant Grain Processing Corporation by a date certain to fully comply with PSD requirements and implement the best available control technology to control its CO emissions generated by the 1990s Plant expansion; and
- e. order Defendant Grain Processing Corporation by a date certain to fully comply with PSD requirements and implement the best available control technology to control its NO_x emissions generated by the 1990s Plant expansion.

Plaintiff further requests that the Court tax the costs of this action to the Defendant and provide such other relief as the Court may deem just and proper.

COUNT XIV

AIR PERMIT VIOLATIONS

EP #143.0, Starch No. 1 Flash Dryer and EP #158.0, Starch No. 2 Flash Dryer

416. Since March 8, 2007, GPC has failed to conduct a second stack test for PM from EP #143.0 or EP #158.0, in violation of GPC's Title V Operating Permit No. 03-TV-029.

WHEREFORE, Plaintiff State of Iowa, ex rel., Iowa Department of Natural Resources requests that the Court:

- a. assess a civil penalty against Defendant Grain Processing Corporation pursuant to Iowa Code section 455B.146 for each day of violation of Title V Operating Permit No. 03-TV-029, after April 16, 2011, not to exceed Ten Thousand Dollars (\$10,000.00) for each day of each such violation; and
- b. permanently enjoin Defendant Grain Processing Corporation from further violations of Title V Operating Permit No. 03-TV-029.

Plaintiff further requests that the Court tax the costs of this action to the Defendant and provide such other relief as the Court may deem just and proper.

COUNT XV

AIR PERMIT VIOLATIONS

EP #144.0, Starch Warehouse Cornstarch Bulk Loadout

417. Since late 1990 or early 1991, GPC has continuously operated a baghouse rather than an impingement scrubber for PM emission control for EP #144.0, in violation of Air Quality Construction Permit No. 90-A-307.

WHEREFORE, Plaintiff State of Iowa, ex rel., Iowa Department of Natural Resources requests that the Court:

- a. assess a civil penalty against Defendant Grain Processing Corporation pursuant to Iowa Code section 455B.146 for each day of violation of Air Quality Construction Permit No. 90-A-307, after April 16, 2011, not to exceed Ten Thousand Dollars (\$10,000.00) for each day of each such violation; and
- b. permanently enjoin Defendant Grain Processing Corporation from further violations of Air Quality Construction Permit No. 90-A-307.

Plaintiff further requests that the Court tax the costs of this action to the Defendant and provide such other relief as the Court may deem just and proper.

COUNT XVI

AIR PERMIT VIOLATIONS

EP #164.0, Dryer House 4, No. 7 Rotary Dryer

418. Since on or about January 1, 2003, except for 2007, GPC exceeded its average process rate of 11,686 lbs/hr for EP #164.0, Dryer House 4, No. 7 Rotary Dryer, in violation of Air Quality Construction Permit No. 90-A-264, as amended on May 24, 1995.

WHEREFORE, Plaintiff State of Iowa, ex rel., Iowa Department of Natural Resources requests that the Court:

- a. assess a civil penalty against Defendant Grain Processing Corporation pursuant to Iowa Code section 455B.146 for each day of violation of Air Quality Construction Permit No. 90-A-264, as amended, after April 16, 2011, not to exceed Ten Thousand Dollars (\$10,000.00) for each day of each such violation; and
- b. permanently enjoin Defendant Grain Processing Corporation from further violations of the average process rate for EP #164.0 contained in Air Quality Construction Permit No. 90-A-264, as amended.

Plaintiff further requests that the Court tax the costs of this action to the Defendant and provide such other relief as the Court may deem just and proper.

COUNT XVII

AIR PERMIT VIOLATIONS

EP #173.0, No. 4 Gluten Flash Dryer

419. During 2012, GPC repeatedly operated EP #173.0, No. 4 Gluten Flash Dryer, without maintaining the scrubber water flow rate, pressure drop, and pH levels at or above the levels during the most recent performance test which demonstrated compliance with permit

emission limits, in violation of Air Quality Construction Permit No. 91-A-067-S2, Condition 14, subsections C and D, and the second subsection A.

WHEREFORE, Plaintiff State of Iowa, ex rel., Iowa Department of Natural Resources requests that the Court:

- a. assess a civil penalty against Defendant Grain Processing Corporation pursuant to Iowa Code section 455B.146 for each day of violation of Air Quality Construction Permit No. 91-A-067-S2, not to exceed Ten Thousand Dollars (\$10,000.00) for each day of each such violation; and
- b. permanently enjoin Defendant Grain Processing Corporation from further violations of the operating limits for EP #173.0 contained in Air Quality Construction Permit No. 91-A-067-S2, Condition 14, subsections C and D, and the second subsection A.

Plaintiff further requests that the Court tax the costs of this action to the Defendant and provide such other relief as the Court may deem just and proper.

COUNT XVIII

AIR PERMIT VIOLATIONS

EP #177.0, Power House Boiler No. 12

420. During the 2nd quarter of 2012, GPC failed to operate its continuous emission monitoring system (CEMS) to measure NOx emissions and insure compliance with its permit emission limitation, 7.6% of the time, in violation of Air Quality Construction Permit No. 93-A-110, and 40 C.F.R. § 60.48b(b)(1), incorporated by 567 Iowa Admin. Code 23.1(2)“ccc”.

WHEREFORE, Plaintiff State of Iowa, ex rel., Iowa Department of Natural Resources requests that the Court:

- a. assess a civil penalty against Defendant Grain Processing Corporation pursuant to Iowa Code section 455B.146 for each day of violation of Air Quality Construction Permit No. 93-A-110, and 40 C.F.R. § 60.48b(b)(1), incorporated by 567 Iowa Admin. Code 23.1(2)“ccc”, not to exceed Ten Thousand Dollars (\$10,000.00) for each day of each such violation; and

- b. permanently enjoin Defendant Grain Processing Corporation from further violations of Air Quality Construction Permit No. 93-A-110, and 40 C.F.R. § 60.48b(b)(1), incorporated by 567 Iowa Admin. Code 23.1(2)“ccc”.

Plaintiff further requests that the Court tax the costs of this action to the Defendant and provide such other relief as the Court may deem just and proper.

COUNT XIX

AIR PERMIT VIOLATIONS

EP #188.0, Starch G-Series Starch Dryer

421. GPC has repeatedly failed to monitor and record the hours of operation of EP #188.0, including but not limited to the period from January through June 2012, in violation of Air Quality Construction Permit No. 96-A-1028-S1.

WHEREFORE, Plaintiff State of Iowa, ex rel., Iowa Department of Natural Resources requests that the Court:

- a. assess a civil penalty against Defendant Grain Processing Corporation pursuant to Iowa Code section 455B.146 for each day of violation of Air Quality Construction Permit No. 96-A-1028-S1, not to exceed Ten Thousand Dollars (\$10,000.00) for each day of each such violation; and
- b. permanently enjoin Defendant Grain Processing Corporation from further violations of Air Quality Construction Permit No. 96-A-1028-S1.

Plaintiff further requests that the Court tax the costs of this action to the Defendant and provide such other relief as the Court may deem just and proper.

COUNT XX

AIR PERMIT AND NSPS VIOLATIONS

EP #549.0, Tank 7 and Tank RJ2

422. GPC installed and has operated Tank 7 since 2002 with a capacity of 41,873 gallons, in violation of Air Quality Construction Permit No. 02-A-797.

423. GPC has operated Tank 7 since 2002 with a capacity greater than 39,889 gallons stored with a vapor pressure greater than 5.2 kPa, without an internal floating roof, external floating roof, or a closed vent system and control device to control air emissions, in violation of 40 C.F.R. § 60.112b(a), as incorporated by 567 Iowa Admin. Code 23.1(2)“ddd”.

424. GPC installed and has operated Tank RJ2 since 2002 with a capacity of 41,873 gallons, in violation of Air Quality Construction Permit No. 02-A-798.

425. GPC has operated Tank RJ2 since 2002 with a vapor pressure of 11.7 kPa, in violation of Air Quality Construction Permit No. 02-A-798.

426. GPC has operated Tank RJ2 since 2002 with a capacity greater than 39,889 gallons stored with a vapor pressure greater than 5.2 kPa, without an internal floating roof, external floating roof, or a closed vent system and control device to control air emissions, in violation of 40 C.F.R. § 60.112b(a), as incorporated by 567 Iowa Admin. Code 23.1(2)“ddd”.

WHEREFORE, Plaintiff State of Iowa, ex rel., Iowa Department of Natural Resources requests that the Court:

- a. assess a civil penalty against Defendant Grain Processing Corporation pursuant to Iowa Code section 455B.146 for each day of violation of Air Quality Construction Permit Nos. 02-A-797 and 02-A-798, and 40 C.F.R. § 60.112b, as incorporated by 567 Iowa Admin. Code 23.1(2)“ddd”, after April 16, 2011, not to exceed Ten Thousand Dollars (\$10,000.00) for each day of each such violation; and
- b. permanently enjoin Defendant Grain Processing Corporation from further violations of Air Quality Construction Permit Nos. 02-A-797 and 02-A-798, and 40 C.F.R. § 60.112b, as incorporated by 567 Iowa Admin. Code 23.1(2)“ddd”.

Plaintiff further requests that the Court tax the costs of this action to the Defendant and provide such other relief as the Court may deem just and proper.

COUNT XXI

NSPS VIOLATIONS

EP #550.0, Tank 5C

427. GPC installed and has operated Tank 5C since 1987 with a capacity of 273,000 gallons and under vapor pressure greater than 5.2 kPa, without an internal floating roof, external floating roof, or a closed vent system and control device to control air emissions, in violation of 40 C.F.R. § 60.112b(a), as incorporated by 567 Iowa Admin. Code 23.1(2)“ddd”.

WHEREFORE, Plaintiff State of Iowa, ex rel., Iowa Department of Natural Resources requests that the Court:

- a. assess a civil penalty against Defendant Grain Processing Corporation pursuant to Iowa Code section 455B.146 for each day of violation by Tank 5C of 40 C.F.R. § 60.112b, as incorporated by 567 Iowa Admin. Code 23.1(2)“ddd”, after April 16, 2011, not to exceed Ten Thousand Dollars (\$10,000.00) for each day of each such violation; and
- b. permanently enjoin Defendant Grain Processing Corporation from further violations of 40 C.F.R. § 60.112b, as incorporated by 567 Iowa Admin. Code 23.1(2)“ddd”.

Plaintiff further requests that the Court tax the costs of this action to the Defendant and provide such other relief as the Court may deem just and proper.

COUNT XXII

FAILURE TO REPORT ACTUAL POLLUTANT EMISSIONS

428. GPC has repeatedly failed to report in its annual emission inventories (EIQs) actual emissions of one or more pollutants from at least 200 of its identified emission units, including but not limited to actual emissions for Emission Years 2011 and 2012, in violation of 567 Iowa Admin. Code 22.106(1) and 22.106(3)“b”.

WHEREFORE, Plaintiff State of Iowa ex rel., Iowa Department of Natural Resources, requests that the Court:

- a. assess a civil penalty against Defendant Grain Processing Corporation pursuant to Iowa Code section 455B.146 for each day of violation of 567 Iowa Admin.

Code 22.106(1) and 22.106(3)“b”, not to exceed Ten Thousand Dollars (\$10,000.00) for each day of each such violation;

- b. order GPC by a date certain to submit to the IDNR amended EIQs for Emission Years 2010, 2011, and 2012, reporting all actual emissions for its facility, including but not limited to each of the pollutants from each of the emission units listed on Exhibit A, attached hereto and incorporated by reference; and
- c. permanently enjoin Defendant Grain Processing Corporation from further violations of 567 Iowa Admin. Code 22.106.(1) and 22.106(3)“b”.

Plaintiff further requests that the Court tax the costs of this action to the Defendant and provide such other relief as the Court may deem just and proper.

COUNT XXIII

FAILURE TO PAY TITLE V OPERATING PERMIT FEES

429. GPC’s continuing failure to report all of its actual emissions may have resulted in its underpayment of Title V Operating Permit Fees, including but not limited to fees for Emission Year 2010, due July 1, 2011; fees for Emission Year 2011, due July 1, 2012; and fees for Emission Year 2012, due July 1, 2013; in violation of 567 Iowa Admin. Code 22.106(1) and 22.106(3)“a”.

WHEREFORE, Plaintiff State of Iowa ex rel., Iowa Department of Natural Resources, requests that the Court:

- a. order GPC by a date certain to submit to the IDNR payment of applicable Title V Operating Permit Fees for any actual emissions during Emission Years 2010, 2011, and 2012, not previously paid, as required by 567 Iowa Admin. Code 22.106(1) and 22.106(3)“a”; and
- b. permanently enjoin Defendant Grain Processing Corporation from further violations of 567 Iowa Admin. Code 22.106(1) and 22.106(3)“a”.

Plaintiff further requests that the Court tax the costs of this action to the Defendant and provide such other relief as the Court may deem just and proper.

COUNT XXIV

MISCELLANEOUS ORGANIC CHEMICAL MANUFACTURING (MON) VIOLATIONS

430. GPC failed to submit to the IDNR its initial notification of the applicability of MON requirements to its facility by March 9, 2004, in violation of 40 C.F.R. sections 63.2445(c) and 63.2515(b)(1), as incorporated by 567 Iowa Admin. Code 23.1(4)“cf.” GPC did not submit the initial notification until April 1, 2010.

431. GPC failed to submit to the IDNR its notification of compliance status by October 7, 2008, in violation of 40 C.F.R. sections 63.2520(a), 63.2520(d)(1), and Table 11 of Subpart FFFF, as incorporated by 567 Iowa Admin. Code 23.1(4)“cf.” GPC did not submit the notification of compliance status until August 16, 2010.

432. GPC failed to submit to the IDNR its initial compliance report by March 31, 2009, in violation of 40 C.F.R. sections 63.2520(a), 63.2520(b)(1) and (5), and Table 11 of Subpart FFFF, as incorporated by 567 Iowa Admin. Code 23.1(4)“cf.” GPC has failed to submit the report.

433. GPC failed to submit to the IDNR its semi-annual report by September 30, 2009, in violation of 40 C.F.R. sections 63.2520(a), 63.2520(b)(3) and (5), and Table 11 of Subpart FFFF, as incorporated by 567 Iowa Admin. Code 23.1(4)“cf.” GPC has failed to submit the report.

434. GPC failed to submit to the IDNR its semi-annual report by March 31, 2010, in violation of 40 C.F.R. sections 63.2520(a), 63.2520(b)(3) and (5), and Table 11 of Subpart FFFF, as incorporated by 567 Iowa Admin. Code 23.1(4)“cf.” GPC has failed to submit the report.

435. GPC failed to bring its Group 1 storage tank into compliance with MON requirements by May 10, 2008, in violation of 40 C.F.R. sections 63.2445(b), 63.2450(a) and 63.2470(a), and Table 4 of Subpart FFFF, as incorporated by 567 Iowa Admin. Code 23.1(4)“cf.” GPC did not comply until on or about January 19, 2011, when it replaced the Group 1 storage tank with a Group 2 storage tank.

436. GPC failed to implement a leak detection and repair program for its valves by May 10, 2008, in violation of 40 C.F.R. sections 63.2445(b), 63.2450(a), and 63.2480(a), and Table 6 of Subpart FFFF, as incorporated by 567 Iowa Admin. Code 23.1(4)“cf.” GPC did not begin to implement a leak detection and repair program for its valves until on or about June 1, 2010.

437. GPC failed to implement a leak detection and repair program for its pumps by May 10, 2008, in violation of 40 C.F.R. sections 63.2445(b), 63.2450(a), and 63.2480(a), and Table 6 of Subpart FFFF, as incorporated by 567 Iowa Admin. Code 23.1(4)“cf.” GPC did not begin to implement a leak detection and repair program for its pumps until on or about June 1, 2010.

WHEREFORE, Plaintiff State of Iowa, ex rel., Iowa Department of Natural Resources requests that the Court:

- a. assess a civil penalty against Defendant Grain Processing Corporation pursuant to Iowa Code section 455B.146 for each day of violation of 40 C.F.R. sections 63.2445(b), 63.2445(c), 63.2450(a), 63.2470(a), 63.2480(a), 63.2515(b)(1), 63.2520(a), 63.2520(b)(1), 63.2520(b)(3), 63.2520(b)(5), 63.2520(d)(1), and Tables 4, 6, and 11 of Subpart FFFF of Part 63, as incorporated by 567 Iowa Admin. Code 23.1(4)“cf.” not to exceed Ten Thousand Dollars (\$10,000.00) for each day of each such violation; and

- b. permanently enjoin Defendant Grain Processing Corporation from further violations of 40 C.F.R. sections 63.2445(b), 63.2445(c), 63.2450(a), 63.2470(a), 63.2480(a), 63.2515(b)(1), 63.2520(a), 63.2520(b)(1), 63.2520(b)(3), 63.2520(b)(5), 63.2520(d)(1), and Tables 4, 6, and 11 of Subpart FFFF of Part 63, as incorporated by 567 Iowa Admin. Code 23.1(4)“cf.”

Plaintiff further requests that the Court tax the costs of this action to the Defendant and provide such other relief as the Court may deem just and proper.

COUNT XXV

WATER POLLUTION CONTROL VIOLATIONS

438. GPC's newly constructed 1.9 million gallon Biosolids Gravity Settler #5 constituted a modification of, addition to, or construction of a wastewater "disposal system" as defined in Iowa Code section 455B.171(5) and 567 Iowa Admin. Code 60.2.

439. GPC began construction on its 1.9 million gallon Biosolids Gravity Settler #5 without first applying for and obtaining a construction permit in violation of Iowa Code section 455B.183(1)(a); 567 Iowa Admin. Code 64.2(1); and NPDES Permit No. 7048101, Standard Condition No. 17(b).

440. GPC's 800,000 spill of wastewater from its #1 Digester Tank constituted a bypass resulting from a mechanical failure, i.e., a rusted 6-inch diameter hole in the #1 Digester Tank allowing the wastewater slurry to be released.

441. GPC failed to telephone and timely notify the IDNR of the 800,000 gallon spill of wastewater slurry from #1 Digester Tank within 12 hours in violation of 567 Iowa Code 63.6(3).

WHEREFORE, Plaintiff State of Iowa, ex rel., Iowa Department of Natural Resources requests that the Court:

- a. assess a civil penalty against Defendant Grain Processing Corporation pursuant to Iowa Code section 455B.191(2) for each day of violation of Iowa Code section 455B.183(1)(a); 567 Iowa Admin. Code 63.6(3) and 64.2(1); and NPDES

Permit No. 7048101, Standard Condition No. 17(b), not to exceed Five Thousand Dollars (\$5,000.00) for each day of each such violation; and

- b. permanently enjoin Defendant Grain Processing Corporation pursuant to Iowa Code section 455B.191(5) from further violations of Iowa Code section 455B.183(1)(a); 567 Iowa Admin. Code 63.6(3) and 64.2(1); and NPDES Permit No. 7048101, Standard Condition No. 17(b).

Plaintiff further requests that the Court tax the costs of this action to the Defendant and provide such other relief as the Court may deem just and proper.

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing document was sent regular U.S. Mail to each party of record addressed as follows:

Charles F. Becker
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666 Walnut Street, Suite 2000
Des Moines, IA 50309
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James C. Larew
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LAREW LAW OFFICE
504 E. Bloomington Street
Iowa City, IA 52245
ATTORNEYS FOR INTERVENOR

on this 24th day of July, 2013

C. Jacobs

EXHIBIT A

ACTUAL EMISSIONS NOT REPORTED BY GPC, 2011 EIQ

	Emission Unit Number	Pollutants Not Reported
1	1065.0	Acetaldehyde
2	1065.0	Formaldehyde
3	1065.0	Methanol
4	1065.0	Acrolein
5	1068.0	Acetaldehyde
6	1068.0	Formaldehyde
7	1068.0	Methanol
8	1068.0	Acrolein
9	1071.0	Hexane
10	1071.0	Toluene
11	1071.0	Benzene
12	1072.0	Acetaldehyde
13	1072.0	Formaldehyde
14	1072.0	Methanol
15	1072.0	Acrolein
16	1073.0	Acetaldehyde
17	1073.0	Formaldehyde
18	1073.0	Methanol
19	1073.0	Acrolein
20	1074.0	Acetaldehyde
21	1074.0	Formaldehyde
22	1074.0	Methanol
23	1074.0	Acrolein
24	1075.0	Hexane
25	1075.0	Toluene
26	1075.0	Benzene
27	1076.0	Acetaldehyde
28	1076.0	Formaldehyde
29	1076.0	Methanol
30	1076.0	Acrolein
31	1078.0	Acetaldehyde
32	1078.0	Formaldehyde
33	1078.0	Methanol
34	1078.0	Acrolein
35	1079.0	Acetaldehyde
36	1079.0	Formaldehyde
37	1079.0	Methanol
38	1079.0	Acrolein

39	1082.0	Acetaldehyde
40	1082.0	Formaldehyde
41	1082.0	Methanol
42	1082.0	Acrolein
43	1083.0	Acetaldehyde
44	1083.0	Formaldehyde
45	1083.0	Methanol
46	1083.0	Acrolein
47	1084.0	Acetaldehyde
48	1084.0	Formaldehyde
49	1084.0	Methanol
50	1084.0	Acrolein
51	1085.0	Acetaldehyde
52	1085.0	Formaldehyde
53	1085.0	Methanol
54	1085.0	Acrolein
55	1086.0	Acetaldehyde
56	1086.0	Formaldehyde
57	1086.0	Methanol
58	1086.0	Acrolein
59	1087.0	Acetaldehyde
60	1087.0	Formaldehyde
61	1087.0	Methanol
62	1087.0	Acrolein
63	1088.0	Acetaldehyde
64	1088.0	Formaldehyde
65	1088.0	Methanol
66	1088.0	Acrolein
67	1089.0	Acetaldehyde
68	1089.0	Formaldehyde
69	1089.0	Methanol
70	1089.0	Acrolein
71	1090.0	Acetaldehyde
72	1090.0	Formaldehyde
73	1090.0	Methanol
74	1090.0	Acrolein
75	1091.0	Acetaldehyde
76	1091.0	Formaldehyde
77	1091.0	Methanol
78	1091.0	Acrolein
79	1092.0	Acetaldehyde
80	1092.0	Formaldehyde
81	1092.0	Methanol

82	1092.0	Acrolein
83	1093.0	Acetaldehyde
84	1093.0	Formaldehyde
85	1093.0	Methanol
86	1093.0	Acrolein
87	1095.2	HAP
88	1095.3	HAP
89	1097.0	Hexane
90	1097.0	Toluene
91	1097.0	Benzene
92	1201.0	PM
93	1201.0	PM2.5
94	1207.0	Formaldehyde
95	1207.0	Acrolein
96	1208.0	Formaldehyde
97	1208.0	Acrolein
98	1209.0	Formaldehyde
99	1209.0	Acrolein
100	1210.0	Formaldehyde
101	1210.0	Acrolein
102	1211.0	Formaldehyde
103	1211.0	Acrolein
104	1212.0	Formaldehyde
105	1212.0	Acrolein
106	1214.0	Formaldehyde
107	1214.0	Acrolein
108	1214.1	Hexane
109	1214.1	Formaldehyde
110	1217.0	VOC
111	1217.0	Acetaldehyde
112	1217.0	Methanol
113	1217.0	Formaldehyde
114	1217.0	Acrolein
115	1217.1	Hexane
116	1217.1	Formaldehyde
117	1217.2	VOC
118	1217.2	Acetaldehyde
119	1217.2	Methanol
120	1217.2	Formaldehyde
121	1217.2	Acrolein
122	1217.3	Hexane
123	1217.3	Formaldehyde
124	1221.0	VOC

125	1221.0	Acetaldehyde
126	1221.0	Methanol
127	1221.0	Formaldehyde
128	1221.0	Acrolein
129	1221.1	Hexane
130	1221.1	Formaldehyde
131	1224.0	VOC
132	1224.0	Acetaldehyde
133	1224.0	Methanol
134	1224.0	Formaldehyde
135	1224.0	Acrolein
136	1224.1	Hexane
137	1224.1	Formaldehyde
138	1228.0	Formaldehyde
139	1228.0	Acrolein
140	1229.0	Formaldehyde
141	1229.0	Acrolein
142	1230.0	Formaldehyde
143	1230.0	Acrolein
144	1235.0	Formaldehyde
145	1235.0	Acrolein
146	1236.0	PM2.5
147	1236.0	Formaldehyde
148	1236.0	Acrolein
149	1238.0	PM2.5
150	1238.0	Formaldehyde
151	1238.0	Acrolein
152	1241.0	PM2.5
153	1241.0	Formaldehyde
154	1241.0	Acrolein
155	1244.0	VOC
156	1244.0	Acetaldehyde
157	1244.0	Methanol
158	1244.0	Formaldehyde
159	1244.0	Acrolein
160	1244.1	Hexane
161	1244.1	Formaldehyde
162	1245.0	VOC
163	1246.0	VOC
164	1250.0	VOC
165	1251.0	VOC
166	1252.0	VOC
167	1253.0	VOC

168	1254.0	VOC
169	2404.0	VOC
170	2404.0	Methanol
171	2404.0	Formaldehyde
172	2405.0	VOC
173	2405.0	Methanol
174	2405.0	Formaldehyde
175	2406.0	VOC
176	2406.0	Methanol
177	2406.0	Formaldehyde
178	2407.0	VOC
179	2407.0	Methanol
180	2407.0	Formaldehyde
181	2410.0	VOC
182	2410.0	Methanol
183	2410.0	Formaldehyde
184	2411.0	VOC
185	2411.0	Methanol
186	2411.0	Formaldehyde
187	2412.0	VOC
188	2412.0	Methanol
189	2412.0	Formaldehyde
190	2413.0	VOC
191	2413.0	Methanol
192	2413.0	Formaldehyde
193	2414.0	VOC
194	2414.0	Methanol
195	2414.0	Formaldehyde
196	2424.0	VOC
197	2424.0	Methanol
198	2424.0	Formaldehyde
199	2431.0	PM2.5
200	2431.0	VOC
201	2431.0	Methanol
202	2431.0	Formaldehyde
203	2433.0	VOC
204	2440.0	PM2.5
205	2501.0	VOC
206	2501.0	Ethylene Oxide
207	2501.0	Propylene Oxide
208	2801.0	VOC
209	2801.0	Acetaldehyde
210	2801.0	Methanol

211	2801.0	Formaldehyde
212	2802.0	VOC
213	2802.0	Acetaldehyde
214	2802.0	Methanol
215	2802.0	Formaldehyde
216	2802.1	VOC
217	2802.1	Acetaldehyde
218	2802.1	Methanol
219	2802.1	Formaldehyde
220	2803.0	VOC
221	2803.0	Acetaldehyde
222	2803.0	Methanol
223	2803.0	Formaldehyde
224	2804.0	VOC
225	2804.0	Acetaldehyde
226	2804.0	Methanol
227	2804.0	Formaldehyde
228	2807.0	VOC
229	2807.0	Acetaldehyde
230	2807.0	Methanol
231	2807.0	Formaldehyde
232	2810.0	VOC
233	2811.0	VOC
234	2812.0	VOC
235	2813.0	VOC
236	2813.0	SO2
237	2814.0	VOC
238	2814.0	SO2
239	2815.0	VOC
240	2815.0	SO2
241	2816.0	VOC
242	2816.0	SO2
243	2817.0	VOC
244	2817.0	SO2
245	2818.0	VOC
246	2818.0	SO2
247	2819.0	VOC
248	2819.0	SO2
249	2820.0	VOC
250	2821.0	VOC
251	2821.0	SO2
252	2822.0	VOC
253	2822.0	SO2

254	2823.0	VOC
255	2823.0	SO2
256	2824.0	VOC
257	2824.0	SO2
258	2825.0	VOC
259	2825.0	SO2
260	2826.0	VOC
261	2826.0	SO2
262	2827.0	VOC
263	2827.0	SO2
264	2828.0	VOC
265	2828.0	SO2
266	2829.0	VOC
267	2829.0	SO2
268	2830.0	VOC
269	2830.0	SO2
270	2831.0	VOC
271	2831.0	SO2
272	2832.0	VOC
273	2832.0	SO2
274	2833.0	VOC
275	2833.0	SO2
276	2834.0	VOC
277	2834.0	SO2
278	2835.0	VOC
279	2835.0	SO2
280	2836.0	VOC
281	2836.0	SO2
282	2837.0	VOC
283	2837.0	SO2
284	2838.0	VOC
285	2838.0	SO2
286	2839.0	VOC
287	2839.0	SO2
288	2840.0	VOC
289	2840.0	SO2
290	2841.0	VOC
291	2841.0	SO2
292	2842.0	VOC
293	2842.0	SO2
294	2843.0	VOC
295	2843.0	SO2
296	2844.0	VOC

297	2844.0	SO2
298	2845.0	VOC
299	2845.0	SO2
300	2846.0	VOC
301	2846.0	SO2
302	2847.0	VOC
303	2847.0	SO2
304	2848.0	VOC
305	2848.0	SO2
306	2849.0	VOC
307	2849.0	SO2
308	2850.0	VOC
309	2850.0	SO2
310	2851.0	VOC
311	2851.0	SO2
312	2852.0	VOC
313	2852.0	SO2
314	2853.0	VOC
315	2853.0	SO2
316	2854.0	VOC
317	2855.0	VOC
318	2855.0	SO2
319	2856.0	VOC
320	2856.0	SO2
321	2857.0	VOC
322	2857.0	SO2
323	2858.0	VOC
324	2858.0	SO2
325	2859.0	VOC
326	2859.0	SO2
327	2860.0	VOC
328	2860.0	SO2
329	2861.0	VOC
330	2861.0	SO2
331	2862.0	VOC
332	2862.0	SO2
333	2863.0	VOC
334	2863.0	SO2
335	2864.0	VOC
336	2865.0	VOC
337	2865.0	SO2
338	2866.0	VOC
339	2866.0	SO2

340	2867.0	VOC
341	2867.0	SO2
342	2868.0	VOC
343	2868.0	SO2
344	2869.0	VOC
345	2869.0	SO2
346	2870.0	VOC
347	2870.0	SO2
348	2871.0	VOC
349	2871.0	SO2
350	2872.0	VOC
351	2872.0	Acetaldehyde
352	2872.0	Methanol
353	2872.0	Formaldehyde
354	2876.0	VOC
355	2877.0	VOC
356	2878.0	VOC
357	2879.0	VOC
358	2880.0	VOC
359	2881.0	VOC
360	2882.0	VOC
361	2883.0	VOC
362	2884.0	VOC
363	2885.0	VOC
364	2886.0	VOC
365	2887.0	VOC
366	2888.0	VOC
367	2889.0	VOC
368	2890.0	VOC
369	2891.0	VOC
370	2892.0	VOC
371	2893.0	VOC
372	2894.0	SO2
373	2894.0	VOC
374	2894.0	Acetaldehyde
375	2894.0	Methanol
376	2894.0	Formaldehyde
377	3101.0	VOC
378	3101.0	SO2
379	3101.1	Hexane
380	3107.0	VOC
381	3107.0	SO2
382	3107.1	Hexane

383	3110.0	VOC
384	3110.0	SO2
385	3110.1	Hexane
386	3111.0	VOC
387	3111.0	SO2
388	3111.1	Hexane
389	3116.0	VOC
390	3116.0	SO2
391	3116.1	Hexane
392	3201.0	VOC
393	3201.0	Acetaldehyde
394	3201.0	Methanol
395	3201.0	Formaldehyde
396	3201.0	Acrolein
397	3201.0	SO2
398	3503.0	VOC
399	3503.0	Ethylene Oxide
400	3503.0	Propylene Oxide
401	3504.0	VOC
402	3504.0	Ethylene Oxide
403	3504.0	Propylene Oxide
404	5201.0	Chlorine
405	5202.0	Chlorine
406	5203.0	Chlorine
407	5204.0	Chlorine
408	5206.0	Chlorine
409	5207.0	Chlorine
410	5210.0	Hexane
411	5210.0	Formaldehyde
412	5211.0	Hexane
413	5211.0	Formaldehyde
414	5212.0	Hexane
415	5212.0	Formaldehyde
416	5213.0	PM
417	5213.0	PM2.5
418	5213.0	PM10
419	6201.0	VOC
420	6201.0	Hydrogen sulfide
421	6201.0	Methanol
422	6201.0	Acetaldehyde
423	6201.0	Acrolein
424	6201.0	Formaldehyde
425	6301.0	Acetaldehyde

426	6301.0	Formaldehyde
427	6301.0	Methanol
428	6301.0	Acrolein
429	6302.0	Acetaldehyde
430	6302.0	Formaldehyde
431	6302.0	Methanol
432	6302.0	Acrolein
433	6303.0	Acetaldehyde
434	6303.0	Formaldehyde
435	6303.0	Methanol
436	6303.0	Acrolein
437	6304.0	Acetaldehyde
438	6304.0	Formaldehyde
439	6304.0	Methanol
440	6304.0	Acrolein
441	6305.0	Acetaldehyde
442	6305.0	Formaldehyde
443	6305.0	Methanol
444	6305.0	Acrolein
445	6306.0	Acetaldehyde
446	6306.0	Formaldehyde
447	6306.0	Methanol
448	6306.0	Acrolein
449	6307.0	Acetaldehyde
450	6307.0	Formaldehyde
451	6307.0	Methanol
452	6307.0	Acrolein
453	6308.0	Acetaldehyde
454	6308.0	Formaldehyde
455	6308.0	Methanol
456	6308.0	Acrolein
457	6309.0	Acetaldehyde
458	6309.0	Formaldehyde
459	6309.0	Methanol
460	6309.0	Acrolein
461	6310.0	Acetaldehyde
462	6310.0	Formaldehyde
463	6310.0	Methanol
464	6310.0	Acrolein
465	6311.0	Acetaldehyde
466	6311.0	Formaldehyde
467	6311.0	Methanol
468	6311.0	Acrolein

469	6312.0	Acetaldehyde
470	6312.0	Formaldehyde
471	6312.0	Methanol
472	6312.0	Acrolein
473	6313.0	Acetaldehyde
474	6313.0	Formaldehyde
475	6313.0	Methanol
476	6313.0	Acrolein
477	6314.0	Acetaldehyde
478	6314.0	Formaldehyde
479	6314.0	Methanol
480	6314.0	Acrolein
481	6315.0	Acetaldehyde
482	6315.0	Formaldehyde
483	6315.0	Methanol
484	6315.0	Acrolein
485	6316.0	Acetaldehyde
486	6316.0	Formaldehyde
487	6316.0	Methanol
488	6316.0	Acrolein
489	6317.0	Acetaldehyde
490	6317.0	Formaldehyde
491	6317.0	Methanol
492	6317.0	Acrolein
493	6318.0	Acetaldehyde
494	6318.0	Formaldehyde
495	6318.0	Methanol
496	6318.0	Acrolein
497	6319.0	Acetaldehyde
498	6319.0	Formaldehyde
499	6319.0	Methanol
500	6319.0	Acrolein
501	6320.0	Acetaldehyde
502	6320.0	Formaldehyde
503	6320.0	Methanol
504	6320.0	Acrolein
505	6321.0	Acetaldehyde
506	6321.0	Formaldehyde
507	6321.0	Methanol
508	6321.0	Acrolein
509	6322.0	Acetaldehyde
510	6322.0	Formaldehyde
511	6322.0	Methanol

512	6322.0	Acrolein
513	6323.0	Acetaldehyde
514	6323.0	Formaldehyde
515	6323.0	Methanol
516	6323.0	Acrolein
517	6324.0	Acetaldehyde
518	6324.0	Formaldehyde
519	6324.0	Methanol
520	6324.0	Acrolein
521	6325.0	Acetaldehyde
522	6325.0	Formaldehyde
523	6325.0	Methanol
524	6325.0	Acrolein
525	6326.0	Acetaldehyde
526	6326.0	Formaldehyde
527	6326.0	Methanol
528	6326.0	Acrolein
529	6327.0	Acetaldehyde
530	6327.0	Formaldehyde
531	6327.0	Methanol
532	6327.0	Acrolein
533	6328.0	Acetaldehyde
534	6328.0	Formaldehyde
535	6328.0	Methanol
536	6328.0	Acrolein
537	6329.0	Acetaldehyde
538	6329.0	Formaldehyde
539	6329.0	Methanol
540	6329.0	Acrolein