

NOV 03 2016

MEMORANDUM

TO: Paul E. Foster, P.E. *RF*

THROUGH: Joanna L. French, P.E. *JLF*

FROM: Melanie A. Smith, P.E. *JLF for MAS*

SUBJECT: Allen Harim Foods, LLC
Permit: APC-81/0067-OPERATION (Amendment 8)(VOC RACT)(NSPS)(GACT) (SM)
Notice of Violation
Odor Complaints

DATE: October 27, 2016

BACKGROUND

Residents in the vicinity of the Allen Harim Foods, LLC plant in Harbeson have notified the Department of nuisance odors through the Environmental Emergency Notification and Complaint phone number. From August 1, 2016 through September 12, 2016, there were a total of 216 complaints concerning odors around the Allen Harim Foods, LLC plant in Harbeson. Of the 216 complaints, the Environmental Crimes Unit officers confirmed 99 odor complaints by reporting directly to the location of the odor complaint and confirming the presence of an odor.

Allen Harim Foods, LLC is found to be in violation of the following regulatory emission standard and permit condition:

1. 7 DE Admin. Code 1119, Section 2.0 states:

"No person shall cause or allow the emission of an odorous air contaminant such as to cause a condition of air pollution."

2. Condition 2.5 of **Permit: APC-81/0067-OPERATION (Amendment 8)(VOC RACT)(NSPS)(GACT)(SM)** states:

"Odors from this source shall not be detectable beyond the plant property line in sufficient quantities such as to cause a condition of air pollution."

Officers from the Environmental Crimes Unit verified 99 odor complaints from August 1, 2016 through September 12, 2016. Below is the summary from the Environmental Crimes Units for the odor complaints received during the period. The data collection period encompasses 43 days. Odors were confirmed at the location on 20 separate days. The breakdown of officer confirmation by response, day and time follows:

DATE	CONFIRMED ODORS	TIME(S)
8/8/16	4	16:06, 17:13, 18:00, 18:13
8/9/16	1	13:57
8/10/16	2	09:58, 14:16, 15:21
8/11/16	16	09:20-20:45
8/12/16	8	08:40-18:28
8/13/16	5	08:19-20:36
8/16/16	3	07:37, 15:24, 15:35
8/17/16	7	15:58-18:00
8/18/16	1	22:22
8/19/16	1	21:22
8/20/16	1	17:10

Allen Harim Foods, LLC**Notice of Violation**

October 24, 2016

Page 2

DATE	CONFIRMED ODORS	TIME(S)
8/21/16	4	10:43, 12:27, 12:39
8/24/16	12	08:48-20:10
8/25/16	15	07:28-14:14
8/26/16	3	19:26-20:54
8/28/16	1	08:18
8/29/16	4	18:15-20:12
8/30/16	6	14:12-19:24
9/3/16	2	09:41-09:49
9/10/16	3	18:03, 18:08

FEDERALLY-REPORTABLE VIOLATIONS (FRV) DISCUSSION:

The September 23, 2014 EPA's revised Guidance on Federally-Reportable Violations for Clean Air Act Stationary Sources (FRV Policy) was reviewed for applicability.

IV. Scope of FRV Policy/Universe of Sources

For purposes of this policy, the applicable universe of sources whose violations of federally enforceable requirements are to be reported to EPA is the following:

- Title V Major Sources: Major sources as defined in Clean Air Act (CAA) 501(2);
- Synthetic Minor (SM)-80 Sources: Minor sources that have taken an enforceable limit to remain minor sources, called synthetic minor sources, that emit or have the potential to emit (PTE) at or above 80 percent of the Title V major source threshold;
- Sources included in an alternative CAA Stationary Source Compliance Monitoring Strategy (CMS) plan;
- Any source at which a High Priority Violation (HPV) has been identified.

The Company is a synthetic minor with a CMS plan. The odor violations are not federally enforceable. Therefore these violations are not FRVs.

HIGH PRIORITY VIOLATION (HPV) DISCUSSION:

The criterion applies only to violations that occur at (1) a major source as defined in CAA Sec. 501(2) (Title V Major Source) or 2) a non-Title V Major Source, otherwise known as a minor or area source with a CMS plan. Allen Harim Foods, LLC is a synthetic minor with a CMS plan. However, it is not appropriate to apply the criteria to violations that the EPA is not authorized to enforce, i.e., violations of requirements that are not federally enforceable. Odor violations are not federally enforceable and the violations are not HPVs.

RECOMMENDATIONS:

I recommend the attached NOV be issued to the Company. The Company shall continue to investigate the cause(s) of odors at the facility and determine a path forward to eliminate offsite odors around the Harbeson facility. Within **15 days** of receipt of this Notice of Violation, the facility shall submit to the Department the status of the current odor investigation, action items identified, and actions completed.

PEF:JLF:MAS

F:\EngAndCompliance\MAS\mas16140.doc

pc: Dover Title V File
 Dawn Minor

AQM NOV POSTING MEMORANDUM

TO: Paul E. Foster, P.E. *PE*

THROUGH: Joanna L. French, P.E. *JLF*

FROM: Melanie A. Smith, P.E. *JLF for MAS*

SUBJECT: **AQM NOTICE OF VIOLATION**
Required Information for Posting on DNREC's Environmental Navigator

Date: October 24, 2016

PARTY RECEIVING NOTICE	Allen Harim Foods, LLC		
VIOLATOR MAILING ADDRESS	18752 Harbeson Road Harbeson, DE 19951		
VIOLATOR LOCATION	Same as above		
DATE(S) OF VIOLATION	August 1, 2016 through September 12, 2016		
DATE VIOLATION DISCOVERED	August 1, 2016		
HOW WAS VIOLATION DISCOVERED?	Environmental Protection Officer verification of public complaints		
DATE OF NOTICE OF VIOLATION	November 3, 2016		
VIOLATION CORRECTED?	No	DATE VIOLATION CORRECTED (IF APPLICABLE)	
HOW WAS CORRECTION CONFIRMED?			
PUBLIC CONTACT	Paul E. Foster, P.E.		
AIR PROGRAM(S) VIOLATED (NOTE: PLEASE MARK ALL THAT ARE APPROPRIATE)	<input type="checkbox"/> ACID RAIN <input checked="" type="checkbox"/> FESOP (SM Permit) <input checked="" type="checkbox"/> MACT <input type="checkbox"/> TITLE V <input checked="" type="checkbox"/> SIP <input type="checkbox"/> NSR(PSD) <input type="checkbox"/> NSR(EOP) <input type="checkbox"/> PART 61 NESHAP <input checked="" type="checkbox"/> NSPS		
LIST THE KEY POLLUTANT(s) INVOLVED IN THE VIOLATION.	Odors		
NATURE OF VIOLATION - provide description and all applicable Statutory/Regulatory/Permit Citations	Odors causing condition of air pollution. 7 DE Admin. Code 1119 §2.0 and Permit: APC-81/0067-OPERATION (Amendment 8)(VOC RACT)(NSPS) (GACT)(SM) Condition 2.5		
IS VIOLATION AN HPV? IF SO, LIST APPLICABLE HPV CRITERION/CRITERIA	No		
ENVIRONMENTAL IMPACT?	Yes		
ENVIRONMENTAL IMPACT DESCRIPTION	Discomfort of residents living near plant.		
GENERAL COMMENTS			

F:\EngAndCompliance\MAS\mas16140.doc

pc: Dover File
Dawn Minor
Melanie Smith



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES
& ENVIRONMENTAL CONTROL
DIVISION OF AIR QUALITY
State Street Commons
100 W. Water Street, Suite 6A
DOVER, DELAWARE 19904

Telephone: (302) 739 - 9402
Fax No.: (302) 739 - 3106

November 3, 2016

Allen Harim Foods LLC
18752 Harbeson Road
Harbeson, DE 19951

Certified # 7011 3500 0003 2400 1241
RETURN RECEIPT REQUESTED

ATTENTION: Mr. Michael Sausé
Environmental Manager

SUBJECT: Notice of Violation
Permit: APC-81/0067-OPERATION (Amendment 8)(VOC RACT)(NSPS)
(GACT)(SM)
Odor Complaints from August 1, 2016 through September 12, 2016

Dear Mr. Sausé:

Residents in the vicinity of the Allen Harim Foods, LLC plant in Harbeson have notified the Department of nuisance odors through the Environmental Emergency Notification and Complaint phone number. From August 1, 2016 through September 12, 2016, there were a total of 216 complaints concerning odors around the Allen Harim Foods, LLC facility. Of the 216 complaints, the Environmental Crimes Unit officers confirmed 99 odor complaints by reporting directly to the location of the complaint and confirming the presence of an odor. Odors were confirmed on 20 separate days from August 1, 2016 through September 12, 2016.

Allen Harim Foods, LLC is found to be in violation of the following regulatory emission standard and permit condition:

1. 7 DE Admin. Code 1119, Section 2.0 states:
"No person shall cause or allow the emission of an odorous air contaminant such as to cause a condition of air pollution."
2. Condition 2.5 of **Permit: APC-81/0067-OPERATION (Amendment 8)(VOC RACT)(NSPS)**
(GACT)(SM) states:
"Odors from this source shall not be detectable beyond the plant property line in sufficient quantities such as to cause a condition of air pollution."

Officers from the Environmental Crimes Unit verified 99 odor complaints from August 1, 2016 through September 12, 2016.

Delaware's good nature depends on you!

Printed on
Recycled Paper

Allen Harim Foods, LLC

Notice of Violation

November 3, 2016

Page 2

ACTION:

The Company shall continue to investigate the cause(s) of odors at the facility and determine a path forward to eliminate offsite odors around the Harbeson facility. Within **15 days** of receipt of this Notice of Violation, the facility shall submit to the Department the status of the current odor investigation, action items identified, and actions completed.

Please be advised that this Notice of Violation will be made available through the Department's Internet site, which can be found at <http://www.dnrec.delaware.gov>. Information concerning your Company's noncompliance with 7 DE Admin. Code 1100 will be posted within 24 hours following confirmation by the Department of your receipt of this letter. Upon further review of the violation(s), the Department reserves the right to pursue additional enforcement action.

If you have any questions, please contact me at (302) 323-4542.

Sincerely,

A handwritten signature in blue ink, appearing to read "Paul E. Foster", with a stylized flourish at the end.

Paul E. Foster, P.E.
Program Manager
Engineering & Compliance Branch

PEF:JLF:MAS
F:\EngAndCompliance\MAS\mas16140.doc

pc: Dover Title V File
 Joanna French
 Melanie Smith
 Dawn Minor