

AGREED BOARD ORDER NO. 08-03

LOUISVILLE METRO AIR POLLUTION CONTROL BOARD

Incident Nos. 03695, 04211, 04217, 04218, 04219, 04471, 04404, 04429, 04466, 04486, 04507, 04570, 04576, 04650, 04652, and 04660

This Order is issued by the Louisville Metro Air Pollution Control Board (Board) pursuant to Kentucky Revised Statutes, Chapter 77 (Air Pollution Control).

COMPANY: Swift Pork Company d/b/a Swift & Company
1770 Promontory Circle
Greeley, CO 80634

REGULATIONS INVOLVED: 5.15 (Chemical Accident Prevention Provisions)
2.17 (Federally Enforceable District Origin Operating Permits)
2.03 (Permit Requirements–Non-Title V Permits)
1.07 (Excess Emissions)
1.13 (Control of Objectionable Odors)

POLLUTANTS: Odor, Particulate Matter

NOTICE OF VIOLATION LETTERS: No. 01815, dated October 15, 2007
No. 01938, dated March 18, 2008

BACKGROUND AND DISCUSSION:

Company is a Delaware corporation that operates an animal rendering plant (including edible and inedible rendering) located at 1200 Story Avenue, Louisville. The animal rendering plant is subject to Federally Enforceable District Origin Operating Permit (FEDOOP) No. 0111-01-F.

District Regulation 5.15 adopts by reference the federal Clean Air Act's risk management program. Company is subject to the risk management program. In 2003, the District conducted an on-site audit. As a result of that audit, the District alleges that Company's 112(r) risk management plan was deficient. Alleged deficiencies include Company's failure to document safety-related information, failure to certify safety-related procedures, and failure to timely update the risk management plan upon the District's request.

District Regulations 2.17 requires that Company comply with its operating permit. District Regulation 2.03 requires that Company comply with its construction permits. The District alleges that Company failed to comply with the following terms of its permits: From 2004 to 2007 Company failed to measure and to record pressure drop readings from various processes and equipment; from 2004 to 2007 Company operated outside permitted temperature ranges and failed to monitor temperature; from 2004 to 2007 Company failed to conduct visual inspections for odor control on

various processes and equipment; Company failed to maintain records for at least five years; from 2004 to 2007 Company failed to conduct visual emissions surveys; and in 2007 Company failed to conduct a Method 9 test after start-up of new equipment.

District Regulation 1.07 requires that Company timely notify the District of excessive emissions resulting from an upset of equipment. The District alleges that in 2006 Company failed to provide timely notice to the District of excess emissions resulting from an upset condition of equipment.

District Regulation 1.13 prohibits the emission into the ambient air of any substance that creates an objectionable odor beyond the property line. The District alleges that on at least twenty days from February 2006 to December 2007, the Company emitted or caused to be emitted into the ambient air a substance that created an objectionable odor beyond the Company's property line.

District Regulation 2.17 requires that Company comply with its operating permit. The District alleges that from 2002 to 2006, Company violated the reporting requirements of FEDOOP No. 0111-01-F, by filing required reports late, submitting inaccurate or incomplete reports, and submitting reports that were not signed by a responsible official.

Company has taken the following corrective measures: begun conducting monitoring and recordkeeping required by its operating permit; submitted an updated risk management plan; resubmitted quarterly reports and annual compliance certificates; and submitted an odor control and compliance plan prepared by an independent consultant. In addition, Company has completed the following tasks pursuant to its odor control and compliance plan: repaired the small water leak and sealed all connection leaks in the cooker condensor; placed thermometers on both condensers and begun maintaining a maximum outlet water temperature of 160°F, and cleaned or replaced the spray header nozzles and inspected or repaired the header assembly for the nozzles. Further, Company has agreed to update its operation to reduce odor emissions, to install additional equipment to reduce odor emissions, and to accept modifications to its operating permit.

To fully address the violations of District regulations alleged above, the parties agree to this Order assessing against Company an administrative settlement of \$47,800. On November 19, 2008, a public hearing was held before the Board on the proposed settlement. Based upon the evidence presented at that hearing, the Board determined that the proposed resolution and requirements were reasonable under the circumstances.

NOW THEREFORE, BE IT ORDERED THAT:

1. The Company has paid \$47,800 to the Louisville Metro Air Pollution Control District.
2. As part of its odor control and compliance plan, Company agrees to complete the following tasks on the following schedule:

Tasks for Scrubbers	Compliance Dates for Scrubbers
Replace the existing packing media and mist eliminators	February 20, 2009
Increase the fan speed to the original design rate of 75,000 cfm	February 20, 2009
Install a 40,000 cfm high intensity packed bed scrubber to replace the existing 20,000 cfm scrubber	Submit application by December 22, 2008, with installation completed and scrubber operational no later than 180 days after construction permit issued
Install new duct collection system for 40,000 cfm scrubber to capture high intensity vapors around the presses	Submit application by December 22, 2008, with installation completed and scrubber operational no later than 180 days after construction permit issued
Modify the 20,000 cfm scrubber to scrub wastewater treatment area	Submit application by December 22, 2008, with installation completed and scrubber operational no later than 180 days after construction permit issued
Evaluate the vertical entrainment plates in the Venturi scrubber, and replace them with removable entrainment plates if the Venturi design can incorporate horizontal plates	Submit application by December 22, 2008, with installation completed and scrubber operational no later than 180 days after construction permit issued
Tasks for Condensors	Compliance Dates for Condensors
Complete new drain line configuration	January 19, 2009
Install condenser for the hydrolyzer vapors	Submit application by December 22, 2008, with installation completed and scrubber operational no later than 180 days after construction permit issued
Tasks for Plant	Compliance Date for Plant
Contract with independent consultant to review and test odor control system after completing all upgrades	60 days after all upgrades completed, report to be submitted 30 days later

3. This Order resolves any odor violations occurring on or before October 2, 2008.

4. Company has reviewed this Order and consents to all its requirements and terms. Further, Company agrees to pay the cost of publishing legal notice of the public hearing.

5. If it becomes necessary for the District to seek a court order to enforce this Order, Company agrees to pay filing fees and costs of such action.

6. This Order fully resolves the violations alleged against Company in Incident Nos. 03695, 04211, 04217, 04218, 04219, 04471, 04404, 04429, 04466, 04486, 04507, 04570, 04576, 04650, 04652, and 04660 and this Order.

7. Neither this Order nor the actions taken hereunder shall constitute an admission by Company of any wrongdoing, or an admission of liability for any of the matters referenced in the Order.

Dated this 19th day of November, 2008.

Louisville Metro Air Pollution Control Board

Swift Pork Company d/b/a Swift & Company

By: _____
Robert W. Powell, M.D.
Chair

By: _____
John Cliff
Plant Manager

Louisville Metro Air Pollution Control District

By: _____
Paul Aud, P.E.
Engineering Manager

Approved as to form and legality:

By: _____
Kathryn M. Hargraves
Assistant County Attorney