



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PAUL R. LEPAGE
GOVERNOR

PATRICIA W. AHO
ACTING COMMISSIONER

MEMORANDUM

TO: Board of Environmental Protection
FROM: Kurt Tidd PE., Bureau of Air Quality
SUBJECT: Starch Partners, LLC, d/b/a Aroostook Starch
DATE: July 21, 2011

*** **

Statutory and Regulatory References:

Department Regulations 06-096 CMR 115 and 140 authorizes the Department to impose reasonable and appropriate license conditions to ensure compliance with emission standards, regulations or orders. Aroostook Starch operates its facility under the terms and conditions of Air Emission License A-817-71-C-R.

Location:

Fort Fairfield, Maine

Description:

Aroostook Starch violated requirements of its Air Emission License and amendments by failing to operate control equipment and record keeping. The Consent Agreement includes a monetary penalty of Two Thousand four and fifty dollars (\$2,450.00).

Environmental Issues:

The Department relies on the licensing of facilities to ensure compliance with State Laws and Regulations. Through the licensing process, the Department is able to control the amount and types of pollutants that are emitted to the atmosphere within the State.

Department Recommendation:

Staff recommends approval of the Consent Agreement which requires ecomaine to comply with the requirements of Maine's Rule 06-096 CMR 115 and Air Emissions License A-817-71-C-R and provides for penalties in the amount of \$2,450.00 as a civil penalty. The monetary penalty was calculated with the existing BAQ penalty policy guidance, and after consultation and agreement with the Department of the Attorney General.

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STATE OF MAINE
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IN THE MATTER OF:

STARCH PARTNERS, LLC) ADMINISTRATIVE CONSENT
d/b/a AROOSTOOK STARCH COMPANY) AGREEMENT
AROOSTOOK COUNTY)
FORT FAIRFIELD, MAINE)
A-817-71-C-R)
EIS # 2011-006-A)

This Agreement, by and among Starch Partners, LLC d/b/a Aroostook Starch Company ("Starch Partners"), the Maine Department of Environmental Protection ("Department"), and the Maine Office of the Attorney General, is entered into pursuant to the laws concerning the Department's Organization and Powers, 38 M.R.S.A. § 347-A(1).

The parties agree as follows:

- 1. Starch Partners is a Limited Liability Company organized and existing under the laws of the State of Maine. Starch Partners operates a starch manufacturing facility under standard and specific conditions of Air Emission License A-817-71-C-R.
2. The violations described herein took place at Starch Partner's facility located in Fort Fairfield, Maine.
3. During times relevant to this Agreement, Starch Partners was subject to Maine's Protection and Improvement of Air laws ("Air Act"), 38 M.R.S.A. §§ 581 – 610 D, Maine's air quality rules (Air Rules), 06-096 CMR 100 et seq. and Air Emission License A-817-71-C-R.
4. Throughout the period of time addressed in this Agreement, Starch Partners was subject to Air Emission License A-817-71-C-R conditions (7), (14) and (17)(C), which state in relevant part;
7. The licensee shall maintain and operate all emission units and air pollution systems required by the air emission license in a manner consistent with good air pollution control practice for minimizing emissions. [06-096 CMR 115]
14. The licensee shall maintain records of malfunctions, failures, downtime, and any other similar change in operation of air pollution control systems or the emissions unit itself that would affect emission and that is not consistent with the terms and conditions of the air emission license. The licensee shall notify the Department within two (2) days or the next state working day, whichever is later, of such occasions where such changes result in an increase of emissions. The licensee shall report all excess emissions in the units of the applicable emission limitation. [06-096 CMR 115]

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17. Dryer Systems (including cyclones and scrubbers)

C. To document maintenance of the cyclones and scrubbers, the Aroostook Starch shall keep a maintenance log of equipment failures as well as all routine maintenance. [06-096 CMR 115, BPT]

5. On December 20, 2010 the Department issued a Letter of Warning (LOW) to Aroostook Starch for violations from an inspection conducted on November 30, 2010. The LOW documents the following violations.
6. The LOW documented that during the inspection it was discovered that Starch Partners had shut off the water to the cyclone while the facility was in operation in violation of condition seven (7) of Air Emission License A-817-71-C-R.
7. The LOW documented that Starch Partners did not record shut down of the water supply to the cyclone in the required maintenance logs for the cyclone as required by Air Emission License A-817-71-C-R condition seventeen (C), (17)(C).
8. The LOW documented that Starch Partners did not notify the Department of malfunction of the pollution control equipment identified in paragraph six (6) within two (2) working days in violation of Air Emission License A-817-71-C-R condition fourteen (14).
9. Department Staff notified Starch Partners by a Notice of Violation (NOV) on January 7, 2011, of the Air Emissions violations described in paragraphs six (6), seven (7) and eight (8).
10. For the purposes of this Agreement, Starch Partners agrees that it received proper notice of all violations identified herein pursuant to 38 M.R.S.A. § 347-A(1)(B).
11. Pursuant to 38 M.R.S.A. §§ 341-D(6)(C) and 347-A(1)(A)(1), administrative consent agreements must be approved by the Board of Environmental Protection (“Board”), which is part of the Department.
12. This Agreement shall become effective only if it is approved by the Board and the Office of the Attorney General.
13. To resolve the violations identified in paragraphs six (6), seven (7) and eight (8) of this Agreement, Starch Partners agrees to pay, upon signature of this Agreement, a civil monetary penalty, to Treasurer, State of Maine in the sum of two thousand four hundred and fifty dollars (\$2,450.00) for the violations addressed above.

STARCH PARTNERS, LLC)	ADMINISTRATIVE CONSENT
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FORT FAIRFIELD, MAINE)	
A-817-71-C-R)	
EIS # 2011-006-A	3	

- 14. The Department and the Office of the Attorney General grant a release of their causes of action against Starch Partners for the specific violations listed in paragraphs six (6), seven (7) and eight (8) of this Agreement on the express condition that the civil monetary penalty listed in paragraph thirteen (13) of this Agreement is paid. The release shall not become effective until all requirements of this Agreement are satisfied.
- 15. Non-compliance with this Agreement voids the release set forth in paragraph fourteen (14) of this Agreement and may lead to an enforcement action pursuant to 38 M.R.S.A. § 347-A(1)(A), 347-A(5), or 348, as well as pursuit of other remedies.
- 16. Actions taken pursuant to this Agreement shall be completed in accordance with the requirements of all local, state and federal laws, including but not limited to licensing requirements.
- 17. The provisions of this Agreement shall apply to, and be binding on, the parties, their officers, agents, servants, employees, successors, and assigns, and upon those persons in active concert or participation with them who receive actual notice of this Agreement.

IN WITNESS HEREOF the parties hereto have executed this Agreement of three (3) pages.

STARCH PARTNERS, LLC d/b/a AROOSTOOK STARCH COMPANY

BY: _____ DATE
 Title

MAINE BOARD OF ENVIRONMENTAL PROTECTION

BY: _____ DATE
 Susan M. Lessard, Chair

MAINE OFFICE OF THE ATTORNEY GENERAL

BY: _____ DATE
 Gerald Reid, Assistant Attorney General

STARCH PARTNERS, LLC)	ADMINISTRATIVE CONSENT
d/b/a AROOSTOOK STARCH COMPANY)	AGREEMENT
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FORT FAIRFIELD, MAINE)	
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STARCH PARTNERS, LLC d/b/a AROOSTOOK STARCH COMPANY

BY:  6-11-11
 Title Richard Pfeffer, President DATE

MAINE BOARD OF ENVIRONMENTAL PROTECTION

BY: _____ DATE
 Susan M. Lessard, Chair

MAINE OFFICE OF THE ATTORNEY GENERAL

BY: _____ DATE
 Gerald Reid, Assistant Attorney General