UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

APR 2 1 2017

CERETIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Martin Steward
Environmental Manager
Perdue Grain and Oilseed LLC
6906 Zion Church Road Complex
Salisbury, MD 21802

Re: Clean Water Act Section 308 Information Requirement

Dear Mr. Steward,

Enclosed is an Information Requirement issued to you as the Environmental Manager of Perdue Grain and Oilseed LLC ("Facility") located at 6906 Zion Church Road Complex, Salisbury, Maryland 21802. The Facility is a point source subject to National Pollutant Discharge Elimination System (NPDES) permit, MD0000060, requirements under the Clean Water Act (CWA or Act), 33 U.S.C. §1251, et seq.

Section 308 of the Act, 33. U.S.C. §1318 authorizes the U.S. Environmental Protection Agency (EPA) to require owners and/or operators of point sources to provide information related to compliance with the CWA, Pursuant to that authority, EPA requires Perdue Grain and Oilseed LLC to provide information related to discharges from the Facility, as specified in the attached Information Requirement.

You must respond in accordance with the instructions and deadlines set forth in the Information Requirement. Failure to comply with the terms of this Information Requirement constitutes a violation of the CWA and may result in enforcement action under Section 309 of the Act, 33. U.S.C. §1319 involving civil or criminal penalties.

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Customer Service Hotline: 1-800-438-2474

If you have any questions about this Requirement for Information, you may contact Ms. Brittany Smith, Enforcement Officer at (215) 814-5776.

Sincerely,

David B. McGuigan, Ph. D
Associate Director
Office of NPDES Permits and Enforcement
Water Protection Division

Enclosure:
cc: Sharon Talley, MDE

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

In The Matter of:	:	
	:	Proceeding Under Section 308 of the
Mr. Martin Steward,	:	Clean Water Act, 33 U.S.C. § 1318
Perdue Grain and Oilseed, LLC	:	
6906 Zion Church Road Complex	:	
Salisbury, MD 21802	:	**INFORMATION REQUIREMENT**
	:	
Respondent	:	
	:	
	:	
	:	

I. STATUTORY AUTHORITY

1. This Information Requirement is issued under the authority vested in the United States Environmental Protection Agency (EPA) by Section 308 of the Clean Water Act (CWA), 33 U.S.C. §1318. The Administrator of the EPA has delegated it to the Director of the Water Protection Division of EPA Region III, who in turn has delegated it to the Associate Director of the Office of NPDES Permits and Enforcement. EPA hereby requires Perdue Grain and Oilseed LLC (Respondent) to provide the information about its facility located at 6906 Zion Church Road Complex, Salisbury, MD 21802 as specified below.

II. STATUTORY AND REGULATORY BACKGROUND

2. EPA is authorized under Section 308 of the CWA, 33 U.S.C. § 1318, to require owners and operators of point sources to establish records and make such reports as may be necessary to carry out the purpose of the Act, including but not limited to:

   a. developing or assisting in the development of any effluent limitation, or other limitation, prohibition, effluent standard, pretreatment standard, or standard of performance under the CWA;
   b. determining whether any person is in violation of any such effluent limitation, or other limitation, prohibition or effluent standard, pretreatment standard, or standard of performance;
   c. any requirement under Section 308 of the CWA; and
   d. carrying out Sections 305, 311, 402, 404, and 504 of the CWA.

3. Failure to respond as directed to a CWA Section 308 Information Requirement is punishable under the civil and criminal provisions of Section 309 of the CWA, which provide for the

assessment of penalties, injunctive relief and imprisonment. Providing misleading of false information may subject you to civil and criminal sanctions. The information you provide may be used by EPA in administrative, civil or criminal proceedings.

4. You may, if you desire, assert a business confidentiality claim covering all or part of the Information Requirement herein in the manner described in 40 C.F.R. Part 2 Subsection B. Information covered by such a claim will be disclosed by EPA only to the extent and by means of the procedures set forth in Subpart B, 40 C.F.R. Part 2. If no claim of confidentiality accompanies the Information Requirement herein when it is received by EPA, it may be made available to the public by EPA without further notice. You may not withhold any information from EPA on the grounds that it is confidential business information. This inquiry is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act 44 U.S.C. Chapter 35. (See 5 C.F.R. Section 1320.3(c)).

III. INSTRUCTIONS

5. Provide a separate narrative response for each question contained in this Information Requirement and for each subpart of each question. Precede each answer with the corresponding number of the question to which it responds.

6. Identify each person responding to each question contained in this Information Requirement on behalf of the Respondent.

7. For each question, identify each document consulted, examined, or referred to in the preparation of the response or that contains information responsive to the question, and provide a true and correct copy of each such document if not provided in response to another specific question.

8. Indicate on each document produced in response to this Information Requirement, or in some other reasonable manner, the number of the question to which it corresponds.

9. Provide your responses in tabular form in both hard copy and as an electronic spreadsheet file in Microsoft Excel format.

10. If requested information or documents are not known or not available at the time of your response to this Information Requirement, but late become known or available, the Respondent must supplement its response to EPA. Moreover, should the Respondent find at any time after submission of its response that any portion is or becomes false, incomplete, or misrepresents the facts, the Respondent must provide EPA with a corrected response as soon as possible.

11. All submissions provided pursuant to this Requirement shall be signed and dated by a responsible official of Respondent and include the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for

submitting false information, including the possibility of fine and imprisonment for knowing violations."

Signed _____
Title _____
Date _____

12. Submit a copy of your response to the following individual:

    Ms. Brittany Smith (3WP42)
    NPDES Enforcement Branch
    Water Protection Division
    U.S. Environmental Protection Agency, Region III
    1650 Arch Street
    Philadelphia, PA 19103-2029

13. If you have questions regarding this Information Requirement, you may contact Ms. Brittany Smith of the NPDES Enforcement Branch at (215) 814-5776.

IV. DEFINITIONS

14. The terms "Documents", "Documents" and "Documentation" shall mean any format that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hard copy, including any form or format of these types. If in computer format or memory, each such document shall be provided in a translated form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy should also include: (a) a copy of each document which is not an exact duplicate of a document which is provided; (b) each copy on which there is any writing, notation, or the like; (c) every other document referred to or incorporated into each document.

15. The term "identify" with respect to a natural person means to provide that person's name, address, telephone number, title, and relationship to the Respondent. The term "identify" with respect to a business entity means to provide that entity's name, address, and relationship to the Respondent, and to provide the name, address, telephone number, and title of an individual who can provide information related to, and on behalf of, the entity.

16. The term "Facility" refers to the Perdue Agri-Business Inc. soybean processing and food oil refinery located at 6906 Zion Church Road Complex, Salisbury, Maryland 21802, including all wastewater treatment processes and associated collection and/or conveyance systems, equipment and appurtenances.

17. The term "March 2017 Permit" refers to the NPDES Permit MD0000060 issued by the Maryland Department of the Environment January 31, 2017 with an effective date of March 1, 2017 and an expiration date of February 28, 2022.

18. The term "September 2010 Permit" refers to the NPDES Permit MD0000060 issued by the Maryland Department of the Environment August 17, 2010 with an effective date of September 1, 2010 and an expiration date of August 31, 2015.

19. The term "process wastewater" is defined as any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.

20. The term "Best Management Practices ("BMPs")" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of "waters of the United States." BMPs also include treatment requirements, operating procedures, and practices to control plan site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

V. INFORMATION REQUIREMENT

AND NOW, this 21st day of April, 2017, Respondent is hereby directed, pursuant to Section 308 of the Act, 33 U.S.C. § 1318, to provide the following information for the period April 1, 2012 to present within thirty (30) days of the effective date of this Information Requirement, unless specified otherwise:

21. A detailed narrative description, and process flow diagrams and site plans, of the current processes at the Facility from introduction of raw material and water sequentially through to disposition of products, describing each process waste water discharge point in relation to the process. Refer to each of the relevant process flow diagrams and site plans whenever possible.

22. Full and complete copies of the most recent NPDES Permit Applications and Permits submitted for discharge of wastewater and stormwater.

23. Provide Spray Irrigation log book records in tabular form, as instructed in Paragraph 9 above, from April 1, 2012 to present, as required by both the September 2010 Permit Section I. Special Conditions O. 10 and the March 2017 Permit Section I. Special Conditions O. 9, to include the following information:

    a. Date of irrigation, identification of the area that was irrigated and the operator's name;
    b. Volume, in gallons, of wastewater irrigated;
    c. Weather conditions during the irrigation; and
    d. Description of any ponding or runoff.

24. Provide a copy of the current Nutrient Management Plan (NMP) including land application records and map of all land application areas.

25. Identify and provide a map of monitoring well locations with descriptive name and ID number.

26. Provide the sampling results of the monthly monitoring for Biological Oxygen Demand (BOD), Total Suspended Solids (TSS), and Oil and Grease from Stormwater Outfalls in tabular form

from April 1, 2012 to February 28, 2017 as required by the September 2010 Permit Section I. Special Conditions Q.

27. Provide copy of logbook giving date of each inspection, inspector's name, and results of the inspection of oil-water separator and grit trap at old wash bay and the T trap at Outfall 003 from April 1, 2012 to February 28, 2017 as required by the September 2010 Permit Section I. Special Conditions R.

28. Provide the Storm Water Pollution Prevention Plan with all amendments, maps, descriptions of stormwater management controls, and requirements of the September 1, 2010 Permit Section I. Special Conditions U. 1-3.

29. Provide records of the frequency and estimated volumes (in gallons) of discharges from secondary containment areas from April 1, 2012 to present.

30. For all wastewater treatment and discharge, stormwater treatment and discharge, and material storage operations at the Facility, provide a list of implemented or planned Best Management Practices (BMPs).

31. For the above BMPs in Paragraph 30, provide standard operating procedures for maintenance and monitoring for reduction and/or elimination of pollutants.

32. Provide full and complete copies of all correspondence (including but not limited to e-mails, meeting notes, hard copy documents) between Maryland Department of the Environment (MDE) and Perdue Agri-Business Inc. from January 1, 2016 to present regarding potential non-compliance at the Facility. In your response provide:

    a. Copies of all Notification of Noncompliance letters;

    b. Descriptions and documentation of any and all remedial measures taken and planned to correct compliance deficiencies identified by MDE;

    c. Costs of all remedial measures identified in response to subparagraph 32b and the basis for the cost determination.

VI. EFFECTIVE DATE

This INFORMATION REQUIREMENT is effective upon receipt. Information responsive to this Information Requirement shall be submitted to EPA within thirty (30) calendar days upon receipt of this Information Requirement.

Date: 4/21/17

David B. McGuigan, Ph. D
Associate Director
Office of NPDES Permits and Enforcement
Water Protection Division