



**State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES**

Jim Doyle, Governor  
Matthew J. Frank, Secretary  
Lloyd L. Eagan, Regional Director

Janesville Service Center  
2514 Morse Street  
Janesville, Wisconsin 53545  
Telephone 608-743-4800  
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CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

February 15, 2008

Casetrack ID# 2008-SCEE-006

Mr. Dale Drachenberg, Vice President Operations  
Didion Milling, Inc.  
501 South Williams Street  
Cambria, WI 53923

Subject: **Notice of Violation  
Notice of Enforcement Conference**

Dear Mr. Drachenberg:

Based on information compiled by the Department, we are alleging that Didion Milling is operating in violation of air pollution control construction permit number 07-DCF-003, air pollution control construction permit number 06-DCF-166, your Ambient Air Monitoring Compliance Plan, and Chapter 285, Wis. Stats. which governs air pollution.

The Department is specifically alleging that Didion failed to monitor as required by their air pollution construction permits and their Ambient Air Monitoring Compliance Plan, and that the Ambient Air Quality Standard was exceeded.

Failure to Monitor

Part I.A.U.1.a. of air pollution control permit number 07-DCF-003 (issued September 4, 2007) requires Didion to operate a particulate monitoring station. Permit 06-DCF-166 (issued October 19, 2006 and superseded by 07-DCF-003) also contained this same requirement under Part I A.V.1.a.

Didion's Ambient Air Monitoring Compliance Plan was approved by the Department on May 10, 2007. This plan requires Didion submit monthly reports within 15 days after the end of the month.

Didion started monitoring and sampling then appears to have stopped after 5 months. T.S. Monitoring has informed DNR that Didion has not submitted samples since June 2007. Part II.D.1 of your air pollution control construction permit 07-DCF-003 requires the Department be notified of any deviations to the reporting conditions. The Department has not received any such notice.

Ambient Air Quality Standard Exceedences

The Total Suspended Particulate standard is 150 micrograms per cubic meter (ug/m<sup>3</sup>), maximum 24-hour average concentration, not to be exceeded more than once per year, per s. NR 404.04(3), Wis. Adm. Code.

Part II.C.1. of your air pollution control construction Permit 07-DCF-003 and NR 415.03, Wis. Adm. Code both state that no person may cause, allow or permit particulate matter to be emitted into the ambient air which substantially contributes to exceeding of an air standard, or creates air pollution.

Based on information submitted by Didion the Department has determined that violations of the Ambient Air Quality Standard occurred based on the concentrations monitored on the following dates. Based on the January 4, 2008 Department analysis of available data and facility operating conditions, the Department has determined that Didion is culpable for these Ambient Air Quality Standard exceedences.

<u>Date</u>	<u>Concentration</u>	<u>Wind Direction</u>
April 30, 2007	570 ug/m <sup>3</sup>	East Southeast
May 3, 2007	185 ug/m <sup>3</sup>	West
May 18, 2007	193 ug/m <sup>3</sup>	Northeast
May 24, 2007	166 ug/m <sup>3</sup>	North
May 30, 2007	167 ug/m <sup>3</sup>	North and West

Based on the seriousness of the violations, I have scheduled an **enforcement conference** for Monday March 3, 2008 at 10:30 AM at the DNR South Central Regional Headquarters located at 3911 South Fish Hatchery Road, Fitchburg. Please come prepared to discuss the circumstances which led to these violations, why notice was not provided to DNR, and why Didion failed to monitor as required. Also please be ready to present a plan to correct these violations and prevent future violations.

Please be advised that the Department is authorized to seek forfeitures of up to \$25,000 per violation per day pursuant to s. 285.87, Wis. Stats.

If you have questions regarding this letter please contact me at 608-743-4852. If you have technical questions pertaining to your air pollution control construction permit contact Michael Sloat at 608-768-5693.

Sincerely,

Pamela Kober  
Environmental Enforcement Specialist

cc: Michael Sloat – SCR  
Martha Makhholm – AM/7  
US EPA – Region 5