

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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

Janesville Service Center
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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

May 15, 2008

Casetrack ID#2008-SCEE-017

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

Subject: **REVISED** - Notice of Violation

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 numbers 06-DCF-166 and 07-DCF-003, Chapter 285, Wis. Stats., and NR 407, Wis. Adm. Code which govern air pollution.

After reviewing Didion's response to Mike Sloat's February 19, 2008 Letter of Inquiry, the Department is alleging that Didion failed to record baghouse pressure drops during the time period requested of October 2006 and February 2008.

With regards to Permit Number 07-DCF-003 and baghouses P10/S10/C10; P11,P12N/S11/C11; P21,22,23/14/C14; and P20/S22/C22 the Department is alleging the following violations of permit conditions, specifically, operating outside the pressure drop range of 2 to 5 inches of water on the identified process lines.

I.L.1.b.(3) - s. 285.65(3), Wis. Stats. And s. NR 407.09(1)(c), Wis. Admin. Code
I.M.1.b.(3) - s. 285.65(3), Wis. Stats. And s. NR 407.09(1)(c), Wis. Admin. Code
I.O.1.b.(3) - s. 285.65(3), Wis. Stats. And s. NR 407.09(1)(c), Wis. Admin. Code
I.R.1.b.(3) - s. 285.65(3), Wis. Stats. And s. NR 407.09(1)(c), Wis. Admin. Code

With regards to Permit Number 06-DCF-1663 and baghouses P01/S01/C01; P08/S08/C08; P10/S10/C10; P11/S11/C11; P12/S12/C12; P14, 21, 22, 23/S14/C14; P15/S17/C17; P19/S21/C21; and P20/S22/C22 the Department is alleging the following violations of permit conditions, specifically, operating outside the required operating pressure drop range of 2 to 5 inches of water on the identified process lines.

I.J.1.b.(3) - s. 285.65(3), Wis. Stats. And s. NR 407.09(1)(c), Wis. Admin. Code
I.K.1.b.(3) - s. 285.65(3), Wis. Stats. And s. NR 407.09(1)(c), Wis. Admin. Code
I.L.1.b.(3) - s. 285.65(3), Wis. Stats. And s. NR 407.09(1)(c), Wis. Admin. Code

I.M.1.b.(3) - s. 285.65(3), Wis. Stats. And s. NR 407.09(1)(c), Wis. Admin. Code
I.N.1.b.(3) - s. 285.65(3), Wis. Stats. And s. NR 407.09(1)(c), Wis. Admin. Code
I.O.1.b.(3) - s. 285.65(3), Wis. Stats. And s. NR 407.09(1)(c), Wis. Admin. Code
I.P.1.b.(3) - s. 285.65(3), Wis. Stats. And s. NR 407.09(1)(c), Wis. Admin. Code
I.Q.1.b.(3) - s. 285.65(3), Wis. Stats. And s. NR 407.09(1)(c), Wis. Admin. Code
I.R.1.b.(3) - s. 285.65(3), Wis. Stats. And s. NR 407.09(1)(c), Wis. Admin. Code

To summarize, we further allege of the above violations, Didion failed to operate equipment within the ranges specified in the permit, as follows. Section NR 439.055(3)(b), Wis. Adm. Code states that the pressure drop monitoring device shall be accurate to within 5% of the pressure drop being monitored or within ± 1 inch of water column, whichever is greater: C10 had 532 readings of baghouse pressure drop outside the allowable range as stated in code, C11 had 389 readings outside the allowable range as stated in the code, C14 had 76 readings outside the allowable range as stated in the code, C01 had 7 readings outside the pressure drop outside the allowable range as stated in the code. and C17 had 16 readings outside the allowable range as stated in the code.

We further allege that for the time period of October 19, 2006 until February 19, 2008, there are no records for C21 and C22. Records for C08 are only available for January 1, 2007 until February 19, 2008. Section NR 439.04(2), Wis. Admin. Code requires that all records be kept for 5 years

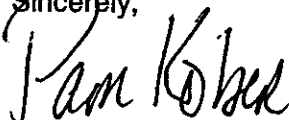
Please respond by **May 23, 2008** with an explanation of the circumstances that led to the alleged violations, the corrective actions that have been taken, and what Didion will do to ensure future compliance.

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. According to DNR records, the alleged violations meet federal criteria for designation as High Priority Violations (HPV). You should be aware that the violations alleged by the Department are also enforceable by the United States Environmental Protection Agency (USEPA).

The Department has not made a final decision on enforcement. Your response will help us determine our options.

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 Makholm – AM/7
US EPA – Region 5