

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

July 22, 2009

Casetrack ID#2009-SCEE-028

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

Subject: **Notice of Violation/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 numbers 06-DCF-166 and 07-DCF-003, Chapter 285, Wis. Stats., and NR 407, Wis. Adm. Code which govern air pollution.

Pressure Drops

Permit Number 07-DCF-003 I.J.1.b.(3), 07-DCF-003 I.L.1.b.(3), 07-DCF-003 I.M.1.b.(3), 07-DCF-003 I.O.1.b.(3), 07-DCF-003 I.P.1.b.(3), 07-DCF-003 I.Q.1.b.(3), 07-DCF-003 I.R.1.b.(3), 07-DCF-003 I.A.1.b.(3), and s. NR 407.09(1)(c), Wis. Adm. Code, and s. 285.65(3), Wis. Stats., requires the pressure drop across the baghouse shall be maintained within the range of 2-5 inches of water column.

Furthermore, s. NR 439.055(3)(b), Wis. Adm. Code states that when the department requires instrumentation to monitor the operation of air pollution control equipment, or to monitor source performance, the instrument shall measure the operational variables with the following accuracy: The pressure drop monitoring device shall be accurate to within 5% of the pressure drop being measured or within ± 1 inch of water column, whichever is greater.

With regards to the north truck/rail unload process identified as S01/P01/C01, the Department is alleging that from February 2008 through September 2008 there were 70 self identified pressure drop recordings that were not compliant.

On the following dates and times, the north truck/rail unload process was operated out of permitted range: 5/19/2008 @ 7:30 am, 5/20/2008 @ 7:30 am, 5/21/2008 @ 7:30 am, 5/22/2008 @ 8:00 am, 2 readings 5/23/2008 @ 8:00 am, 2 readings 5/27/2008 @ 8:00 am, 2 readings 5/30/2008 @ 7:45 am, 6/19/2008 @ 8:00 am, 6/20/2008 @ 8:00 am, 6/23/2008 @ 8:00 am, 8/25/2008 @ 9:00 am, 8/26/2008 @ 8:00 am, 8/28/2008 @ 9:15 am, 9/02/2008 @ 9:15 am. This totals **18 alleged violations over 14 days.**

With regards to the south filters: grain milling process identified as S10/P10/C10, the Department is alleging that from February 2008 through September 2008 there were 95 self identified pressure drop recordings that were not compliant.

On the following dates and times, the south filters: grain milling process was operated out of permitted range: 2 readings on 2/22/2008 @ 11:00 am, 1 reading on 2/22/2008 @ 7:00 pm, 2/23/2008 @ 3:00 am, 2 readings 2/23/2008 @ 7:00 pm, 2/24/2008 @ 3:00 am, 2/24/2008 @ 11:00 am, 2 readings 2/24/2008 @ 7:00 pm, 2 readings 2/25/2008 @ 3:00 am, 2 readings 2/25/2008 @ 11:00 am, 2 readings 2/25/2008 @ 7:00pm, 2 readings 2/26/2008 @ 3:00 am, 2 readings 2/26/2008 @ 11:00 am, 2 readings 2/26/2008 @ 7:00 pm, 2 readings 2/27/2008 @ 3:00 am, 2/27/2008 @ 11:00 am, 2/27/2008 @ 7:00 pm, 2/28/2008 @ 3:00 am, 3/04/2008 @ 3:00 am, 3/04/2008 @ 11:00 am, 3/04/2008 @ 7:00 pm, 3/05/2008 @ 3:00 am, 3/05/2008 @ 11:00 am, 3/07/2008 @ 3:00 am, 3/07/2008 @ 11:00 am, 3/07/2008 @ 7:00 pm, 3/08/2008 @ 3:00am, 3/09/2008 @ 11:00 am, 2 readings 4/01/2008 @ 3:00am, 4/02/2008 @ 3:00 am, 4/10/2008 @ 3:00 am, 3 reading 4/16/2008 @ 7:00 pm, 5/04/2008 @ 3:00 am, 5/11/2008 @ 3:00 am, 5/19/2008 @ 3:00 am, 5/24/2008 @ 11:00 am, 5/27/2008 @ 3:00 am, 6/04/2008 @ 3:00 am, 6/05/2008 @ 3:00 am, 6/15/2008 @ 3:00 am, 2 readings 6/23/2008 @ 3:00 am, 6/29/2008 @ 3:00 am, 7/11/2008 @ 3:00 am, 7/14/2008 @ 3:00 am, 7/14/2008 @ 11:00 am, 7/14/2008 @ 7:00 pm, 2 readings 8/09/2008 @ 3:00 am, 9/09/2008 @ 7:00 pm. **This totals 62 alleged violations over 30 days of violation.**

With regards to the north filters: grain milling process identified as S11/P11/C11, the Department is alleging that from February 2008 through September 2008 there were 83 self identified pressure drop recordings that were not compliant.

On the following dates and times, the north filters: grain milling process was operated out of permitted range: 2 readings 2/21/2008 @ 7:00 pm, 2/22/2008 @ 11:00 am, 2/26/2008 @ 11:00 am, 2/26/2008 @ 7:00 pm, 2/27/2008 @ 3:00 am, 2/27/2008 @ 11:00 am, 2/27/2008 @ 7:00 pm, 2/28/2008 @ 3:00 am, 2/28/2008 @ 11:00 am, 2 readings 2/28/2008 @ 7:00 pm, 2/29/2008 @ 3:00 am, 2/29/2008 @ 11:00 am. **This totals 14 alleged violations over 6 days of violation.**

With regards to the product storage silos and transfer process identified as S14/P21, P22, P23/C14, the Department is alleging that from February 2008 through September 2008 there were 57 self identified pressure drop recordings that were not compliant.

On the following dates and times, the product storage silos and transfer process was operated out of permitted range: 3/03/2008 @ 7:30 am, 2 readings 5/19/2008 @ 7:30 am, 2 readings 5/20/2008 @ 7:30 am, 2 readings 5/21/2008 @ 7:30 am, 2 readings 5/22/2008 @ 8:00 am, 2 readings 5/23/2008 @ 8:00 am, 2 readings 5/27/2008 @ 8:00 am, 6/19/2008 @ 8:00 am, 6/20/2008 @ 8:00 am, 6/23/2008 @ 8:00 am, 8/15/2008 @ 8:00 am, 8/21/2008 @ 9:15 am, 8/25/2008 @ 9:00 am, 9/18/2008 @ 8:00 am, 2 readings 9/19/2008 @ 8:00 am. **This totals 22 alleged violations over 15 days of violation.**

With regards to the product storage silos and transfer process identified as S17/P15/C17, the Department is alleging that from February 2008 through September 2008 there were 13 self identified pressure drop recordings that were not compliant.

On the following dates and times, this process was operated out of permitted range: 3/07/2008 @ 7:30 am, 5/19/2008 @ 7:30 am, 5/20/2008 @ 7:30 am, 5/21/2008 @ 7:30 am, 5/22/2008 @ 8:00 am, 5/23/2008 @ 8:00 am, 5/27/2008 @ 8:00 am, 5/30/2008 @ 7:45 am. **This totals 8 alleged violations over 8 days of violation.**

With regards to the mill flour operations filter – grain milling process identified as S21/P19/C21, the Department is alleging that from February 2008 through September 2008 there were 36 self identified pressure drop recordings that were not compliant.

On the following dates and times, mill flour operations filter process was operated out of permitted range: 2/23/2008 @ 7:00 pm, 5/27/2008 @ 7:00 pm, 8/16/2008 @ 7:00 pm, 9/09/2008 @ 11:00 am. **This totals 4 violations over 4 days of violation.**

With regards to the mill/germ recovery toasting/grinding filter – grain milling process identified as S22/P20/C22, the Department is alleging that from February 2008 through September 2008 there were 7 self identified pressure drop recordings that were not compliant.

On the following dates and times, this process was operated out of permitted range: 2/23/2008 @ 7:00 pm, 2/28/2008 @ 7:00 pm, 4/26/2008 @ 3:00 am, 6/26/2008 @ 7:00 pm, 7/25/2008 @ 3:00 am. **This totals 5 alleged violations over 5 days of violation.**

With regards to the fermentation wet scrubber process identified as S30/P30-35/C30 Department is alleging that from February 2008 through September 2008 there were 177 self identified pressure drop recordings that were not compliant.

On the following dates and times, this process was operated out of permitted range: 5/20/2008 @ 8:30 pm, 6/05/2008 @ 8:30 pm, 2:30 am, 8:30 am, 2:30 pm; 6/06/2008 @ 8:30 pm, 2:30 pm; 6/10/2008 @ 8:30 pm, 2:30 am, 8:30 am; 6/13/2008 @ all 4 times; 6/14/2008 @ 8:30 pm, 2:30 am; 6/15/2008 @ 2:30 pm; 6/17/2008 @ 2:30 pm; 6/18/2008 @ 8:30 pm; 6/23/2008 @ 2:30 am, 8:30 am, 2:30 pm; 6/24/2008 @ all 4 times; 6/25/2008 @ 8:30 pm, 2:30 am; 6/26/2008 @ 8:30 am, 2:30 pm; 6/27/2008 @ 8:30 pm; 7/09/2008 @ 8:30 pm; 7/10/2008 @ 8:30 pm; 7/11/2008 @ 2:30 am; 7/14/2008 @ 2:30 pm; 7/18/2008 @ 8:30 pm; 7/19/2008 @ 2:30 am, 8:30 am; 7/25/2008 @ 2:30 pm; 8/12/2008 @ 2:30 am; 8/23/2008 @ 2:30 pm; 8/24/2008 @ 2:30 pm; 8/27/2008 @ 2:30 pm. **This totals 43 alleged violations over 25 days of violation.**

Pressure Drop Across the Multiclones

Permit number 07-DCF-003 I.C.1.b.(4) states that the pressure drop across the multiclones shall be maintained between 1 and 6 inches water column or with approval from the Department, an alternative range determined to demonstrate compliance.

With regards to the DDG cooling cyclones process identified as S32/P49, 50/C33 the Department is alleging that from February 2008 through September 2008 there were 465 self identified pressure drop recordings that were not compliant.

On the following dates and times, this process was operated out of permitted range: 5/11/2008 through 5/31/2008 66 out of 67 readings; 6/01/2008 through 6/30/2008 94 of 95 readings; 7/01/2008 through 7/31/2008 95 of 96 readings; 8/01/2008 through 8/31/2008 112 of 119 readings; 9/01/2008 through 9/30/2008 85 of 93 readings. **This totals 452 alleged violations over 143 days of violation.**

Records Maintenance

Permit number 07-DCF-003 I.CC.3.c.(6), and s. NR 439.04, Wis. Adm. Code state that the facility shall maintain daily records of the usage of the vapor collection / disposal equipment and any records needed to demonstrate compliance with the requirements of s. NR 440.18, Wis. Adm. Code. This shall include the settings / operation of the equipment which assures compliance with the condition 3.b.(5).

With regards to daily records of the usage of the vapor collection/disposal equipment the Department is alleging that for the month of April 2008, the facility operated the ethanol loadout system without recording any data on the flare usage. **This totals 6 alleged violations over 6 days of violation.**

Compliance Testing

Permit number 07-DCF-003 I.M.1.b.(6), and s. NR 439.07(1), Wis. Adm. Code state that Compliance emission tests shall be conducted within 180 days after the start of initial operation following completion of modification (or authorization to construct expiration, whichever comes first) to demonstrate compliance with the PM emission limit, exhaust flow and grain loading (gr/dscf). The stack testing shall be done following installation of the bag break detector / emissions monitor, to assist in calibration.

According to an email from Dan Ketter, Didion Milling, Inc., the bag house leak detectors were installed January 2007. Assuming that the date of installation was January 31, 2007, and the permit 07-DCF-003 was issued on September 4, 2007, the stack test was to have been completed on or before February 21, 2008. The stack test was performed on November 20, 2008. **This equates to 274 days of alleged violation for not testing by permit date.**

The Department is alleging that stack/process S11/C11/P11 continues to operate in violation as compliance has not been shown.

Permit number 07-DCF-003 I.P.1.b.(6), and s. NR 439.07(1), Wis. Adm. Code state that Compliance emission tests shall be conducted within 180 days after the start of initial operation following completion of modification (or authorization to construct expiration, whichever comes first) to demonstrate compliance with the PM emission limit, exhaust flow and grain loading (gr/dscf). The stack testing shall be done following installation of the bag break detector / emissions monitor, to assist in calibration.

According to an email from Dan Ketter, Didion Milling, Inc., the bag house leak detectors were installed January 2007. Assuming that the date of installation was January 31, 2007, and the permit 06-DCF-166 was issued on October 16, 2006, the stack test was to have been completed on or before May 23, 2007. The stack test was performed on November 21, 2008. **This equates to 517 days of alleged violation for not testing by permit date.**

The Department is alleging that stack/process S17/C17/P15 continues to operate in violation as compliance has not been shown.

Emission Limits

Permit number 07-DCF-003 I.M.1.a (1), s NR 404.08(2), Wis. Adm. Code, and s. 285.65(3), Wis. Stats. require that emissions may not exceed 0.22 lbs/hr of PM and PM10 from the bag house stack S11. A stack test conducted on November 20, 2008 resulted in emissions of 0.343 lb/hour of particulate matter.

Permit number 07-DCF-003 I.P.1.a (1), s NR 404.08(2), Wis. Adm. Code, and s. 285.65(3), Wis. Stats. require that emissions may not exceed 0.069 lbs/hr of PM and PM10 from the bag house stack S17. A stack test conducted on November 21, 2008 resulted in measured emissions of 0.768 lb/hour of particulate matter.

Permit number 07-DCF-003 I.S"1.a.(1) , s. NR 404.08(2), Wis. Admin. Code and s. 285.65(3), Wis. Stats. Require that emissions may not exceed 6.96 lb/hr of particulate matter and 1.74 lb/hr of PM10 from baghouse stack S23. A stack test conducted on November 19, 2008 resulted in measured emissions of 21.58 lb/hr of particulate matter and 7.32 lb/hr of PM10.

Total Dissolved Solids (TDS) or Total Solids (TS)

Permit No. 06-DCF-166 I.G.1.b.(1), and NR 439.04, Wis. Adm. Code states that the Total Dissolved Solids (TDS) or Total Solids (TS) concentration in the cooling water may not exceed 2,500 parts per million (ppmw) or 2,500 mg/l. This section identifies, based on modeling for cooling tower drift, the level of total dissolved solids that are permitted in the cooling tower water.

The Department was first notified on March 19, 2009 of results from a February 27, 2009 sample. Notification of compliance was received on May 6, 2009 regarding compliance with the total dissolved solids concentration from a May 1, 2009 sample. This equals **63 days of alleged violations.**

Summary

Due to the seriousness of the alleged violations, I have scheduled an **enforcement conference for Wednesday August 12, 2009 at 10:30 AM** at the Department's South Central Regional Headquarters located at 3911 Fish Hatchery Road, Fitchburg. Please come prepared to discuss the circumstances surrounding each of the issues outlined above and a plan for future compliance. The Department is specifically interested in how Didion plans to address the emission limits violations alleged above.

To summarize, we allege Didion failed to operate equipment within the ranges specified in the permit, as follows: S01/P01/C01 had 18 readings of baghouse pressure drop outside the allowable range of 2.0-5.0 inches of water, S10/P10/C10 had 62 readings, S11/P11/C11 had 14 readings, S14/P21, P22, P23/C14 had 22 readings, S17/P15/C17 had 8 readings, S21/P19/C21 had 4 readings, S22/P20/C22 had 5 reading, and S30//P30-35/C30 had 43 readings outside the pressure drop allowable range of 2.0 – 5.0 inches.

S32/P49, 50/C33 had 452 readings of pressure drops outside the allowable range of 1-6 inches of water.

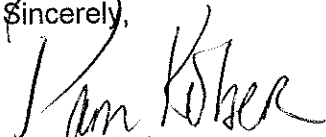
Didion also failed to keep vapor collection/disposal records as required, perform stack testing within the required 180 days after initial operation and exceeded permit emission limits for S11, S17 and S23.

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).

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 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