

June 11th, 1993 – United Maize, Inc. (now Didion Milling, Inc.) - Notice of Violation

The Department believes that all fill material extending beyond the toe of the slope of United Maize's existing parking lot must be withdrawn. We're requesting that you hire a qualified consultant to develop a detailed site assessment addressing the following:

- 1. The removal of accumulated corn waste from the channel downstream of the project area.*
 - 2. Reestablishment of the wetland and stream channel to its original contours within the fill area.*
 - 3. Proper disposal of all wastes resulting from this project.*
 - 4. A timetable for completion of this work.*
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- <http://homepage.mac.com/oscura/ctd/docs/061193didvio.pdf>
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Preamble to Consent Decree of March 1st, 2000
(transcript)

The Complaint alleges that Didion violated Section 133(b) of the Act, 42 U.S.C. § 7413(b), by failing to comply with applicable regulations in the federally approved Wisconsin State Implementation Plan ("SIP"). Specifically, the Complaint alleges that the environmental violations arose from Didion's failure to obtain a construction permit for, as well as control the emission of excess particulate matter from, a temporary grain transfer facility. Additionally, the Complaint alleges that Didion failed to comply with certain specified conditions of its 1996 air permit issued by the Wisconsin Department of Natural Resources ("WDNR"), including the failure to use air pollution control equipment, at its grain transfer facility which was located on St. Feriole Island in Prairie du Chein, Wisconsin.

<http://homepage.mac.com/oscura/ctd/docs/preamble.pdf>

March 1st, 2000 - Consent decree entered in District Court

IMPACT: On March 1, 2000, United States District Judge Barbara B. Crabb approved the entry of a Consent Decree executed by the parties in *United States v. Didion Milling Company, Inc.* (Case No. 99-C-261-C in the United States District Court for the Western District of Wisconsin). The Consent Decree resolves alleged violations of the Clean Air Act for a penalty payment of \$107,500.

<<http://www.epa.gov/reg5oorc/enfactions/enfactions2000/state-wi.htm#didion051900>>

May 11th, 2001 - Notice of Violation – (Possibly Still Open)

According to information on hand and belief of our staff, we believe that you are in apparent violation of Chapter 30 of Wisconsin Statutes, which governs the navigable waters of the State of Wisconsin.

Department staff have observed that on or before November 18, 2000, grading occurred on your property at 501 South Williams in the Village of Cambria, Columbia County. In addition to the grading, all vegetation along the banks of the North Branch of Duck Creek was removed. The North Branch of Duck Creek is a waterway regulated by the state.

<<http://homepage.mac.com/oscura/ctd/docs/051101didvio.pdf>>

July 12th, 2001 - Formal warning from Army Corps of Engineers

Please be aware, however, that this letter is a formal warning to refrain from such unauthorized activity in the future. You are hereby informed that this letter will be retained in our violation files. In the event of a subsequent violation, this action may be taken into consideration when determining an appropriate legal or administrative remedy to be sought.

<<http://homepage.mac.com/oscura/ctd/docs/acedidion.pdf>>

February 18th, 2002 - Hazardous Substance Spill

It has been brought to our attention that a hazardous substance discharge occurred at Didion Milling, Inc. on or about February 8, 2002. On February 15, Conservation Warden Heather Gottschalk and I met with Glen Sharp at the Cambria facility. We learned that the spill was not reported or cleaned up. Chapter 292, State Statutes, requires immediate notification and prompt cleanup of a hazardous substance discharge (copy of statute enclosed).

Mr. Sharp advised us that the discharge occurred on February 8 and that a total quantity of 20-50 gallons of oil was discharged to the ground when an engine piston cylinder failed. Our research implies that with this type of equipment failure, the total quantity of oil involved is expected to be approximately 100-150 gallons.

<<http://homepage.mac.com/oscura/ctd/docs/021802didvio.pdf>>

May 10th, 2002 - Subject: Letter of Noncompliance

Mike Sloat sent a request for more information about Didion's additional silo construction on 08/28/2001 and again on 04/15/2002. He received no response to either request. Here, he formally asks for particular information on the additional silos and any other construction. Didion must respond no later than 05/24/2002 or they will receive a Notice of Violation and potentially, be referred to the Department of Justice.

<not currently posted online>

July 23rd, 2002 - Notice of Violation – (Still Open)

According to information compiled by the Department Didion Milling is allegedly operating in violation of ss. NR 406.01 (1) (ce). and NR 440.47 (h)., Wis. Adm. Code. These codes are required for those grain storage facilities that have an average of greater than 5500 tons per month of throughput and greater than 1 million bushels of storage capacity.

The claim regarding total storage capacity was from information submitted by Didion Milling, Inc. to Michael Sloat in a meeting held at South Central Region Headquarters on June 6, 2002. This information identifies that at some point in 1999, total storage capacity became greater than the 1 million-bushel threshold as allowed in NR 440.47 (2)(h), Wis. Adm. Code.

<<http://homepage.mac.com/oscura/ctd/docs/072302didvio.pdf>>

April 5th, 2006 – Notice of Violation – (Still Open)

Didion Milling was issued this violation notice as a result of an unannounced compliance inspection conducted in March of 2006. This latest violation could land them back onto the EPA's High Priority Violator list for a second time.

According to information compiled by the Department, Didion Milling is allegedly operating in violation of NR 406.10, Wis. Adm. Code. This code requires that an owner or operator of a stationary source construct and operate in accordance with conditions contained in construction permit number [02-RV-166](#), issued on May 12, 2005.

...The Department believes that violations alleged in this Notice meet the federal criteria of High Priority Violations. Under the federal HPV enforcement policy, the Department must seek an appropriate resolution to the alleged violations and refer Didion Milling to the Wisconsin Department of Justice.

<http://homepage.mac.com/oscura/ctd/docs/040506notice_of_violation.pdf>

Inspection memo:
<http://homepage.mac.com/oscura/ctd/docs/032106memorandum_sloat_inspection.pdf>

Air permits in .zip file:
<<http://www.dnr.state.wi.us/org/aw/air/permits/02-RV-166.zip>>

December 20th, 2006 – Notice of Violation – (Still Open)

Didion was issued a violation for an air permit issued on October 19th, 2006. They are alleged to have been in violation beginning the very day the new permit took effect.

According to information compiled by the Department, Didion Milling has allegedly operated in violation of NR 406.10, Wis. Adm. Code. This code requires the owner or operator of a stationary source construct and operate in accordance with conditions contained in construction permit number 06-DCF-166. This permit was issued on October 19, 2006.

The Department is specifically alleging that Didion operated the grain dryer before 10 AM and after 3 PM almost daily from October 20, 2006 through November 30, 2006. The Department is also alleging that Didion dried grain on December 1, 5, and 6, 2006 and operated the grain dryer before 10 AM and after 3 PM on these days.

Since it appears that the provisions of permit number 06-DCF-166 have been violated since its issuance, I have scheduled an enforcement conference for Wednesday January 10, 2007 at 1:00 PM. (Was rescheduled to January 23rd, 2007) The conference will be held in the Gathering Waters meeting room at the Department's South Central Office located at 3911 Fish Hatchery Road, Fitchburg.

<<http://homepage.mac.com/oscura/ctd/docs/DecemberNOV.pdf>>

January 23rd, 2007 Enforcement Conference Summary
<http://homepage.mac.com/oscura/ctd/docs/012307kober_confer_summary.pdf>

August 9th, 2007 – Notice of Non-Compliance – Didion Milling, Inc.

Didion fails to maintain construction stormwater erosion controls during much of 2007.

On August 7, 2007 Department storm water staff inspected the construction site of Didion Milling, Inc. in the Village of Cambria, Columbia County. This was a follow up inspection to determine if implementation of BMPs were consistent with the site's stormwater plans and to check if previous problems observed from an inspection conducted on April 3, 2007 had been corrected. On both occasions it was observed that

certain sediment controls of the construction site were not installed and/or maintained. As a result, sediment-laden runoff is able to leave the construction site and enter a wetland to the north of Cabbage Road or tributaries on both the east and west side that ultimately flow to the North Branch of Duck Creek.

<http://homepage.mac.com/oscura/ctd/docs/080907wdnrnon.pdf>

January 4th, 2008 – Subject: Letter of Noncompliance

DNR's compliance engineer, Michael Sloat, determines that the few monitoring samples Didion bothered to submit indicate high levels of particulates. Analysis determines that the material sampled is mainly grain dust and that Didion is the source.

I have completed my review of monitoring sample analysis from site monitor 550210018 that Didion Milling is required to have in place according to permit conditions of the last two construction permits issued [06- DCF-166 and 07-DCF-003]. I was able to complete my investigation with the submittal of the requested wind rose data on December 28, 2007.

In reviewing the laboratory data from the analysis of the sample filters, the grain dust portion ranged from a low of 47% to a high of 95%. You indicated in your letter of December 7, 2007 that these 5 sample exceedances were due to construction activities associated with the new expansion. While all samples had an inorganic contribution of greater than 10%, the May 24 sample was there a very significant contribution [34%] which may be of that origin, the majority material collected was grain dust. Since Didion Milling is the only operation that may be a source for the grain dust during this time frame, the responsibility of the exceedances is Didion's and thus the basis for this Letter of Noncompliance.

<http://homepage.mac.com/oscura/ctd/docs/010408Letter%20of%20Noncompliance.pdf>

February 15th, 2008 – Notice of Violation – Notice of Enforcement Conference –
(Still Open)

Contrary to their air permit, Didion ceases all required TSP monitoring sometime in May or June of 2007 after a series of tests reveal large exceedances in particulate levels. They fail to report the problem to the DNR. In addition, Didion's own log books indicate improper operation of a filter baghouse designed to reduce particulate levels.

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.

<http://homepage.mac.com/oscura/ctd/docs/021508DidionNOV.pdf>

March 6th, 2008 – Notice of Violation – Notice of Enforcement Conference –
(Still Open)

During a September 2007 visit to Didion's construction site, DNR's compliance engineer Michael Sloat observes 3 additional hammermills under construction. The hammermills are considered major sources of particulates and require a construction permit. Didion fails to apply for the permit claiming the mills are exempt. The DNR disagrees.

Based on information compiled by the Department, we are alleging that Didion Milling constructed an air pollution source without a permit in violation of Section 285.60(1)(a), Wis. Stats.

The Department is specifically alleging that Didion constructed three new hammermills without a construction permit.

<http://homepage.mac.com/oscura/ctd/docs/030608DidionNOV.pdf>

April 14th, 2008 – Notice of Violation – (Still Open)

In response to a number of previous violations and difficulties meeting conditions for air permits, Didion agreed to modify their existing grain dryer, a major point of particulate emissions in their operation. The modification consisted of enclosing the dryer in such a way as to allow a single emission point located at the top of the dryer. A required stack test was conducted on January 3rd and 4th, 2008 which was determined to have failed.

According to the results of the S23 stack test, conducted on January 3 and 4, 2008, Didion allegedly operated in violation from September 26, 2007 until February 27, 2008. On January 3 and 4, 2008 a stack test was done on both PM10 and PM emissions. The PM emission rate was tested at 15.52 pounds per hour. The permitted level is 6.96 pounds per hour.

Didion has allegedly exceeded their PM emission rate by twice the permitted level in violation of permit 07-DCF-003, section 1.S'' P16, S23, 1.a.(1), s. NR 404.08(2), Wis. Adm. Code, s. NR 415.05(2), Wis. Admin. Code, and s. 285.65(3), Wis. Stats.

<http://homepage.mac.com/oscura/ctd/docs/041408DidionNOV.pdf>

May 7th, 2008 – Notice of Violation – (Still Open)

Didion is required to operate and maintain equipment designed to collect and filter particulate matter in order to achieve their classification as a synthetic minor source of pollutants. Pressure drop monitoring devices provide a method of ensuring that the filtration system is operating efficiently. Too little pressure drop and the filters may have crumpled or be absent altogether, too much pressure drop and the filters are clogged or blocked completely. Didion is required to keep ongoing records of the pressure drops to prove compliance with their air permits.

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.

To summarize, we allege Didion failed to operate equipment within the ranges specified in the permit, as follows: C10 had 532 readings of baghouse pressure drop outside the allowable range of 2.0–5.0 inches of water, C11 had 389 readings, C14 had 76 readings, C01 had 7 readings etc. outside the pressure drop allowable range of 2.0–5.0 inches. C17 had 16 readings outside the allowable pressure drop range of 2.0–5.0 inches.

<http://homepage.mac.com/oscura/ctd/docs/050708DidionNOV.pdf>

February 17th, 2009 – Notice of Violation/Enforcement Conference –
(Still Open)

These expected violations of terms of Didion Ethanol's WPDES wastewater discharge began shortly after operations at the plant commenced. This notice lists many different instances including high levels of suspended solids, high zinc levels, unauthorized additives, foam and failure to monitor according to the terms of the permit. The discharged wastewater flows into a creek feeding Tarrant Lake and into the watershed downstream.

During the fall of 2008 Village of Cambria residents and Village Board members as well as representatives from Midwest Environmental Advocates observed foam and chunky brown colored solid material as well as orange and milky colored water being discharged from Didion's non contact cooling water outfall effluent pipe. This pipe is located on a tributary to Duck Creek in the Town of Courtland, Columbia County.

On November 14, 2008 samples were collected at the pipe, upstream and downstream from the discharge pipe by Cambria residents in coordination with Midwest Environmental Advocates staff.

<http://homepage.mac.com/oscura/ctd/docs/021709DidionNOV.pdf>

July 22nd, 2009 Notice of Violation/Enforcement Conference –
(Still Open)

This notice enumerates close to 1500 separate violations of operating parameters, compliance testing and log and record-keeping. The listed violations involve both air and water discharge permit requirements and conditions.

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).

<http://homepage.mac.com/oscura/ctd/docs/072209DidionNOV.pdf>

August 21st, 2009 Notice of Violation/Enforcement Conference –
(Still Open)

The second WPDES violation covers two chemical spills during the summer of 2009.

The first spill involved 43,500 gallons of fermented corn mash which easily filled a small stormwater retention pond and poured into the wetlands to the west. This caused a large amount of damage requiring remedial action which included removal of 7800 cubic feet of waste material. The spill was due to human error.

The second incident was a spill of 3,500-4,000 gallons of a 3.2% sodium hydroxide (caustic lye) solution. This spill also overflowed the retention pond and continued into the wetlands. Chemicals were pumped into the wetlands along with water in an attempt to chemically neutralize the highly alkaline lye solution.

<http://homepage.mac.com/oscura/ctd/docs/082109DidionNOV.pdf>

January 25th, 2010 Notice of Violation – (Still Open)

A failed stack test in November of 2009 leads to a separate violation for each of 25 days from October 10th, 2009 – November 5th, 2009.

According to the Notice, “The PM (Particulate Matter) emission rate for S40 was tested at 1.61 pounds per hour. The permitted level is 1.25 pounds per hour.”

The stack test was conducted to check compliance of three recently permitted grain hammermills at the ethanol plant. These hammermills were themselves the subject of an earlier March 2008 Notice of Violation when Didion constructed the mills without

obtaining the required construction permit from the WDNR.

<http://homepage.mac.com/oscura/ctd/docs/012510DidionNOV.pdf>