



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

(AE-17J)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Allan R. Orth
Director of Operations
Ralcorp Holdings, Inc.
420 East Oshkosh Street
Ripon, Wisconsin 54971

Re: Notice of Violation
Ralcorp Holdings, Inc.
Ripon, Wisconsin

Dear Mr. Orth:

The U.S. Environmental Protection Agency is issuing the enclosed Notice of Violation (NOV) to Ralcorp Holdings, Inc. (Ralcorp or you) under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1). We find that you are violating the Wisconsin State Implementation Plan (SIP) at your Ripon, Wisconsin facility.

Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the NOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply, and the steps you will take to prevent future violations.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Manoj P. Patel. You may call him at (312) 353-3565 to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,



Cheryl L. Newton
Acting Director
Air and Radiation Division

Enclosure

CC: William Baumann, Chief
Combustion Process
Bureau of Air Management
Wisconsin Department of Natural Resources
101 S. Webster Street
P.O. Box 7921
Madison, Wisconsin 53707

Dave Hildreth, Regional Leader
Northeast Region
Bureau of Air Management
Wisconsin Department of Natural Resources
2984 Shawano Avenue
P.O. Box 10448
Green Bay, Wisconsin 54307

4. On April 27, 1995, EPA approved Wisconsin Administrative Code NR 424.03 as part of the federally enforceable SIP for the State of Wisconsin. 60 Fed. Reg. 20643 (April 27, 1995).
5. NR 424.03(2)(b) requires process lines on which construction or modification commenced on or after August 1, 1979, and which are not subject to emission limitations listed elsewhere in chs. NR 419 to 423, to (1) control organic compound emissions by at least 85%, or (2) where 85% control has been demonstrated to be technologically infeasible for a specific process line, control organic compound emissions by use of the latest available control techniques and operating practices demonstrating best current technology.
6. 40 C.F.R. § 52.23 provides, among other things, that failure to comply with any approved regulatory provision of a SIP or with any permit condition, or with any permit limitation or condition contained within an operating permit issued under an EPA-approved program that is incorporated into the SIP subjects the person to an enforcement action under Section 113 of the Act.

Ralcorp's Operation In Ripon, Wisconsin

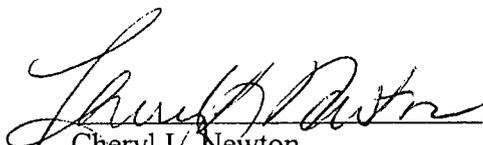
7. Ralcorp owns and operates a cookie and wafer production manufacturing facility at 420 East Oshkosh Street and at 850 Stanton Street, Ripon, Wisconsin (the facility).
8. The facility is also known as the West Plant by Ralcorp. The facility has five (5) production lines identified as line nos. 2, 4, and 5 which include direct fired natural gas burning ovens, and line nos. 6 and 7 which include in-direct (convection type) fired natural gas burning ovens.
9. Process line no. 7, which processes dries cookies by vaporizing the organic contents from the flavors used during the cookie manufacturing process, emits VOC from the natural gas fired ovens.
10. On October 4, 2007, EPA issued a Request for Information to Ralcorp under Section 114 of the Clean Air Act, 42 U.S.C. § 7414. On November 14, 2007, Ralcorp responded to EPA's Request for Information.
11. Ralcorp's November 14, 2007 response stated that the facility did not obtain a construction permit for no. 7 process line.
12. On February 5, 2008, EPA inspectors inspected the facility. Ralcorp personnel informed the EPA inspectors that process line no. 7 was installed in or around 1993.
13. Ralcorp's failure to obtain a construction permit for process line no. 7 is a violation of the Wisconsin SIP at NR 406.

14. Process line no. 7 is a direct source of air contaminants and it emits VOC. Since process line no. 7 commenced construction on or after August 1, 1979, and is not subject to emission limitations listed elsewhere in Wisconsin SIP at NR 419 to 423, emissions from the facility's process line no. 7 are subject to NR 424.03 in the Wisconsin SIP.
15. According to Ralcorp's November 14, 2007 information Request response, Ralcorp does not remove 85% of the VOCs from process line no. 7, in violation of the Wisconsin SIP at NR 424.03.

Environmental Impact of Violations

16. The purpose of the requirement to obtain a construction permit, among other things, is to assure emissions from the source are properly controlled.
17. Excess emissions of VOC increases the amount of ground level ozone, which could cause temporary decrease in lung capacity, inflammation of lung tissue, and impair the body's immune system.

6/4/08
Date


Cheryl L. Newton
Acting Director
Air and Radiation Division

Protecting the environment is everyone's responsibility. Help EPA fight pollution by reporting possible harmful environmental activity.

To do so, visit EPA's website at <http://www.epa.gov/compliance/complaints/index.htm>

CERTIFICATE OF MAILING

I, Tracy Jamison, certify that I sent a Notice of Violation, No. EPA-5-08-WI-16, by

Certified Mail, Return Receipt Requested, to:

Allan R. Orth, Director of Operations
Ralcorp Holdings, Inc.
420 East Oshkosh Street
Ripon, Wisconsin 54971

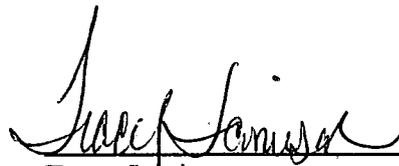
I also certify that I sent copies of the Notice of Violation by first class mail to:

Ken V. Lensmeyer, Director of Environmental Affairs
Ralcorp Holdings, Inc.
800 Market Street, Suite # 2600
St. Louis, Missouri 63101-0618

William Baumann, Chief
Combustion Process
Wisconsin Department of Natural Resources
101 S. Webster Street
Madison, Wisconsin 53707-7921

Dave Hildreth, Regional Leader
Northeast Region
Bureau of Air Management
Wisconsin Department of Natural Resources
2984 Shawano Avenue
P.O. Box 10448
Green Bay, Wisconsin 54307

on the 5 day of June, 2008.



Tracy Jamison
Office Automation Clerk
AECAS (MI/WI)

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0006 0185 9495

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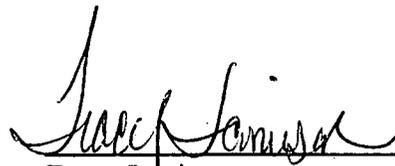
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on the 5 day of JUNE, 2008.



Tracy Jamison
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AECAS (MI/WI)

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