



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

REPLY TO THE ATTENTION OF

JUN 24 2004

(AE-17J)

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. Geoffrey O'Connor  
Chief Financial Officer and Treasurer  
Lesaffre Yeast Corporation  
433 East Michigan Street  
Milwaukee, Wisconsin 53202

Re: Notice of Violation / Finding  
of Violation  
Lesaffre Yeast Corporation  
Milwaukee, Wisconsin

Dear Mr. O'Connor:

The United States Environmental Protection Agency is issuing the enclosed Notice of Violation (NOV) and a Finding of Violation (FOV) to Lesaffre Yeast Corporation (Lesaffre 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), and Section 502 of the Act, 42 U.S.C. § 7661a, at your Milwaukee, 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. The options we select may depend on, among other things, the length of time you take to achieve and demonstrate continuous compliance with the rules cited in the NOV/FOV.

We are offering you an opportunity to confer with us about the violations alleged in the NOV/FOV. 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 USEPA 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 as soon as possible, but no later than 10 calendar days after you receive this letter. We should hold any conference within 30 calendar days of your receipt of this letter.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Steve Rothblatt", written over a horizontal line.

Stephen Rothblatt, Director  
Air and Radiation Division

Enclosure

cc: Lloyd Eagan, Director  
Bureau of Air Management  
Wisconsin Department of Natural Resources  
101 S. Webster Street  
P.O. Box 7921  
Madison, Wisconsin 53707

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

Lakshmi Sridharan, Regional Leader  
Southeast Region  
Wisconsin Department of Natural Resources  
2300 North Dr. Martin Luther King Jr. Drive  
Milwaukee, Wisconsin 53212

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:** )  
 )  
Lesaffre Yeast Corporation ) **NOTICE OF VIOLATION/FINDING OF**  
Milwaukee, Wisconsin ) **VIOLATION**  
 )  
 ) **EPA-5-04-WI-09**  
Proceedings Pursuant to )  
Section 113(a)(1) of the )  
Clean Air Act, 42 U.S.C. )  
§ 7413(a)(1) )

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**NOTICE OF VIOLATION/FINDING OF VIOLATION**

The United States Environmental Protection Agency (USEPA) is issuing this Notice of Violation/Finding of Violation under Section 113(a)(1) of the Clean Air Act (the Act), 42 U.S.C. § 7413(a)(1). USEPA finds that Lesaffre Yeast Corporation (Lesaffre) is violating the Wisconsin State Implementation Plan (SIP), and Section 502 of the Act, 42 U.S.C. §7661a, as follows:

**Statutory and Regulatory Background**

1. On August 29, 1995, USEPA approved NR 424.05 (Control of Organic Compounds from Yeast Manufacturing) as part of the federally enforceable SIP for Wisconsin. 60 Fed. Reg. 34198.
2. No owner or operator of a yeast manufacturing facility may allow, cause, or permit the average concentration of VOCs in the exhaust gas stream from a fermenter during a fermentation batch to exceed: (1) 100 ppm from a trade fermenter; (2) 150 ppm from a first generation fermenter; and (3) 300 ppm from a stock fermenter. These levels are based on a saturated water basis and are based on total VOCs expressed as propane.
3. 40 CFR § 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 State implementation plan, subjects the person or governmental entity so failing to comply, in violation of a requirement of an applicable implementation plan and subject to enforcement action under Section 113 of the Act.

4. Section 502(a) of the Act, 42 U.S.C. § 7661a(a), and 40 CFR § 70.7(b) provide that, after the effective date of any permit program approved or promulgated under Title V of the Act, no source subject to Title V may operate except in compliance with a Title V permit.
5. Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3), authorizes the Administrator to initiate an enforcement action whenever, among other things, the Administrator finds that any person has violated or is in violation of a requirement or prohibition of Title V of the Act, or any rule promulgated, issued or approved under Title V of the Act.
6. USEPA granted final interim approval to the Wisconsin Title V operating permit program on March 6, 1995. 60 Fed. Reg. 12128. The program became effective on April 5, 1995. The Wisconsin Title V program was granted final full approval by USEPA, effective November 30, 2001. 66 Fed. Reg. 62951. See 40 CFR Part 70, Appendix A.
7. 40 CFR § 70.1(b) provides that all sources subject to the regulations at Part 70 shall have a permit to operate that assures compliance by the source with all applicable requirements.

#### **Factual Background**

8. Lesaffre owns and operates a yeast manufacturing facility (formerly known as Universal Foods Corporation or Red Star Yeast & Products), in Milwaukee, Milwaukee County, Wisconsin.
9. On June 30, 2003, the Wisconsin Department of Natural Resources (WDNR) issued Title V Operation Permit #241031340-P01 to Lesaffre. This permit covers several processes including: fermenter #2 (P19/S23), fermenter #3 (P20/S24), fermenter #4 (P21/S25), fermenter #5 (P22/S26), fermenter #7 (P25/S27), fermenter #9 (P27/S21), fermenter #10 (P28/S29), and fermenter #11 (P29/S30).
10. The volatile organic compounds emissions from Lesaffre's processes P19, P20, P21, P22, P25, P27, P28, and P29 are subject to the Wisconsin SIP limitations for Control of Organic Compounds from Yeast Manufacturing and the limitations set forth in Lesaffre's Title V Operation Permit #241031340-P01.

11. On January 26, 2004, USEPA issued a Request for Information to Lesaffre under Section 114 of the Clean Air Act, 42 U.S.C. § 7414.
12. On March 15 and 26, 2004, Lesaffre responded to USEPA's Request for Information.

**Violations**

13. From June 1999 through December 2003, Lesaffre submitted quarterly VOC excess emissions reports to WDNR. The VOC emissions from the fermenters were measured by continuous emissions monitors. The results of the average VOC emissions readings are summarized as follows:

Date	Process Type	VOC Emissions Limit (in ppm as propane)	Measured VOC Emissions (in ppm as propane)
8/29/99	Trade	100	144
8/29/99	Trade	100	106
9/17/99	Trade	100	114
10/30/99	First Generation	150	260
12/7/99	First Generation	150	165
12/31/99	First Generation	150	195
1/23/00	Trade	100	242
1/10/00	First Generation	150	154
3/5/00	Trade	100	113
5/30/00	Trade	100	103
5/23/00	Trade	100	113
5/16/00	Trade	100	104
4/2/00	Trade	100	103
6/15/00	Trade	100	149

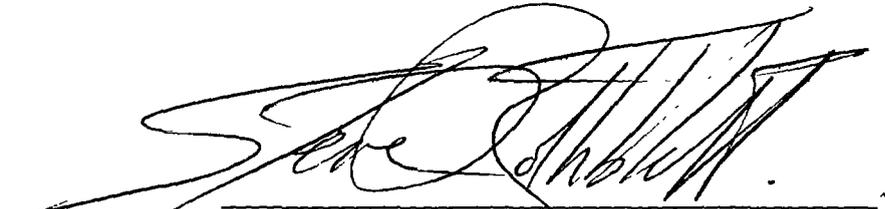
7/13/00	Trade	100	101
9/24/00	Trade	100	227
7/27/00	Trade	100	428
8/25/00	Trade	100	102
8/14/00	First Generation	150	218
12/16/00	Trade	100	106
12/30/00	Trade	100	186
1/30/01	Trade	100	110
1/10/01	First Generation	150	151
6/20/01	Trade	100	177
5/12/01	Trade	100	103
7/10/01	Trade	100	232
7/20/01	First Generation	150	151
7/23/01	Trade	100	102
10/12/01	Trade	100	121
11/2/01	First Generation	150	276
3/1/02	Trade	100	104
1/11/02	Trade	100	158
3/29/02	Trade	100	101
3/1/02	Trade	100	104
4/19/02	Trade	100	114
5/20/02	Trade	100	225
6/23/02	First Generation	150	163
4/11/02	Trade	100	138
5/19/02	Trade	100	110

5/30/02	Trade	100	185
8/12/02	First Generation	150	372
10/24/02	Trade	100	163
10/7/02	Trade	100	107
7/25/03	Trade	100	315
7/31/03	Trade	100	193
10/7/03	First Generation	150	175
12/4/03	First Generation	150	160
12/19/03	Trade	100	107

Based upon Lesaffre's quarterly VOC emissions exceedence reports to WDNR, Lesaffre has violated VOC emissions limits in the Wisconsin SIP NR 424.05 and Lesaffre's Title V Operation Permit #241031340-P01, Part I Condition (F)(1)(2).

14. Lesaffre's operation in violation of its Title V permit constitutes violations of Section 502 of the Act and of 40 CFR § 70.7(b).

6/24/2004  
Date

  
\_\_\_\_\_  
Stephen Rothblatt, Director  
Air and Radiation Division

**CERTIFICATE OF MAILING**

I, Shanee Rucker, certify that I sent copies of the Notice of Violation and the Finding of Violation, by Certified Mail, Return Receipt Requested, to:

Geoffrey O'Connor  
Chief Financial Officer and Treasurer  
Lesaffre Yeast Corporation  
433 East Michigan Street  
Milwaukee, Wisconsin 53202

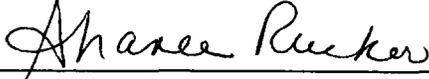
I also certify that I sent copies of the Notice of Violation and the Finding of Violation by first class mail to:

Lloyd Eagan, Director  
Bureau of Air Management  
Wisconsin Department of Natural Resources  
101 S. Webster Street  
P.O. Box 7921  
Madison, Wisconsin 53707

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

Lakshmi Sridharan, Regional Leader  
Southeast Region  
Wisconsin Department of Natural Resources  
2300 North Dr. Martin Luther King Jr. Drive  
Milwaukee, Wisconsin 53212

on the 28<sup>th</sup> day of June, 2004.

  
\_\_\_\_\_  
Shanee Rucker, Secretary  
AECAS, (MI/WI)

CERTIFIED MAIL RECEIPT NUMBER: 7001032000601773753