



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

REPLY TO THE ATTENTION OF

OCT 25 2005

(AE-17J)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Joy Redford
Manager, Safety & Environmental Affairs
Blommer Chocolate
600 W. Kinzie
Chicago, Illinois 60610-3977

Re: Notice of Violation
Blommer Chocolate
Chicago, Illinois

Dear Ms. Redford:

The United States Environmental Protection Agency (U.S. EPA) is issuing the enclosed Notice of Violation (NOV) to Blommer Chocolate (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 Illinois State Implementation Plan (SIP) at your facility located at 600 W. Kinzie, Chicago, Illinois.

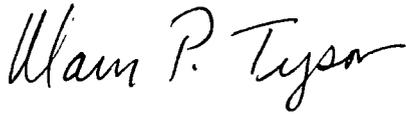
Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial, civil, or criminal action. The options we select may depend on, among other things, the length of time you take to achieve and demonstrate continuous compliance with the rules cited in the NOV.

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 U.S. EPA contact in this matter is Monica Onyszko. You may call her at (312) 353-5139 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,



 Stephen Rothblatt, Director
Air and Radiation Division

Enclosure

cc: Julie Armitage, Acting Manager
Compliance and Enforcement Section Bureau of Air
Illinois Environmental Protection Agency

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)	
)	
Blommer Chocolate)	NOTICE OF VIOLATION
Chicago, Illinois)	
)	EPA-5-06-02-IL
)	
Proceedings Pursuant to)	
Section 113(a)(1) of the)	
Clean Air Act,)	
42 U.S.C. § 7413(a)(1).)	
_____)	

NOTICE OF VIOLATION

The Administrator of the United States Environmental Protection Agency (U.S. EPA) is issuing this Notice of Violation (NOV) under Section 113(a)(1) of the Clean Air Act (Act), 42 U.S.C. § 7413(a)(1). U.S. EPA finds that Blommer Chocolate (Blommer) is in violation of the Illinois State Implementation Plan (SIP) for state opacity limits.

Statutory and Regulatory Background

1. U.S. EPA approved Title 35 of the Illinois Administrative Code (35 IAC), § 212.123, governing visible emissions, as part of the Illinois SIP on December 29, 1992. 57 Fed. Reg. 61834, 61837.
2. 35 IAC § 212.123 provides an opacity limitation of 30 percent, applicable to certain emission sources. The rule includes an exception which allows for the emission of smoke with opacity greater than 30 percent, but less than 60 percent for a period totaling 8 minutes in a 60 minute period. This exception is limited to one emission source per facility within a 1000 foot radius, and only applies three times in a 24 hour period.

Blommer Facility

3. Blommer owns and operates a facility that manufactures chocolate products, including chocolate liquor, cocoa butter, and cocoa powder, for bulk sale to other companies.

4. The facility operates continuously, except on select holidays, during cleaning shifts and when equipment is shut down for maintenance as needed.
5. Blommer is located at 600 W. Kinzie, Chicago, Illinois.
6. The Blommer facility houses eleven grinders.
7. Grinder emissions are vented to the northeast corner of the facility roof.
8. On September 1 and 2, 2005, Blommer was operating its grinders.
9. Emissions at Blommer are subject to the opacity limit of 30 percent set forth in the Illinois SIP regulations found at 35 IAC § 212.123.
10. On September 1, 2005 and September 2, 2005, a U.S. EPA certified inspector (inspector) conducted a Method 9 visible emission test at the Blommer facility in response to a citizen complaint regarding odor and visible emissions.
11. On September 1, 2005 and September 2, 2005, the inspector took opacity readings of the visible emissions exiting the rectangular metal duct on the northeast corner of the Blommer facility roof.

Violations

12. On September 1, 2005 and September 2, 2005, the inspector observed emissions at Blommer exceeding 30 percent opacity, but less than 60 percent, for more than an aggregate of 8 minutes in a 60 minute period from one emission source, in violation of 35 IAC § 212.123.

Visible Emission Violations

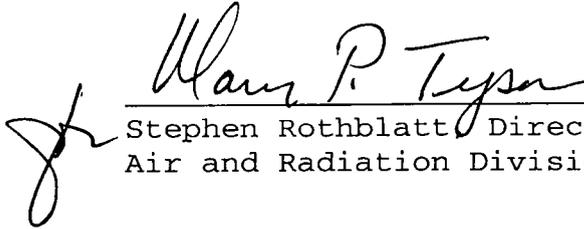
Date	Observation Period	6-Minute Average Opacity Observed
9/1/2005	10:27 to 10:33 AM	37.9%
	10:33 to 10:39 AM	43.8%
	10:39 to 10:45 AM	49.4%
	10:45 to 10:51 AM	46.3%
Total observation time - 25 minutes (10:27 to 10:52 AM)		
Total time exceeding standard from 10:27 to 10:51 AM - 16 minutes*		
* Eight minute exemption applied.		

Date	Observation Period	6-Minute Average Opacity Observed
9/2/2005	10:00 to 10:06 AM	43.5%
	10:06 to 10:12 AM	36.0%
	10:12 to 10:18 AM	32.1%
Total observation time - 20 minutes (10:00 to 10:20 AM)		
Total time exceeding standard from 10:00 to 10:18 AM - 10 minutes*		
* Eight minute exemption applied.		

Notice of Violation

The Administrator of the U.S. EPA, by authority duly delegated to the undersigned, notifies the State of Illinois and Blommer Chocolate that the facility described above is in violation of the applicable portions of the Illinois State Implementation Plan, as set forth in this Notice of Violation.

10/25/05
Date



Stephen Rothblatt, Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Betty Williams, certify that I sent a Notice of Violation, No. EPA-5-06-02-IL, by Certified Mail, Return Receipt Requested, to:

Joy Redford
Blommer Chocolate
600 W. Kinzie
Chicago, Illinois 60610-3977

I also certify that I sent a copy of the Notice of Violation, No. EPA-5-06-02-IL, by First Class Mail to:

Julie Armitage, Acting Manager
Compliance and Enforcement Section Bureau of Air
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62702

on the 26th day of October 2005.



Betty Williams, Secretary
AECAS (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0006 0295 2959