



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

JUN 29 2015

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mark Halvorsen
Sensient Flavors
2300 Barrington Road, Suite 700
Hoffman Estates, Illinois 60169

Re: Notice of Violation
Sensient Flavors, LLC
Harbor Beach, Michigan

Dear Mr. Halvorsen:

The U.S. Environmental Protection Agency is issuing the enclosed Notice of Violation (NOV) to Sensient Flavors, LLC (Sensient or you) under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1). We find that you have violated provisions of your operating permits at your Harbor Beach, Michigan, facility. These permits require operation of scrubbers in Sensient's FGHHVPHCLNEU emission units to maintain certain pH and differential pressure parameters and prohibit operation unless a malfunction abatement plan for each scrubber system is implemented and maintained.

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. In addition, in order to make the conference more productive, we encourage you to submit to us information responsive to the NOV prior to the conference date.

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 Dakota Prentice. You may call him at (312) 886-6761 or email him at prentice.dakota@epa.gov 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,

A handwritten signature in black ink, appearing to read "G. Czerniak". The signature is fluid and cursive, with a large initial "G" and a long, sweeping underline.

George T. Czerniak
Director
Air and Radiation Division

Enclosure

cc: Chris Hare
Michigan Department of Environmental Quality

Tom Hess
Michigan Department of Environmental Quality

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

Sensient Flavors, LLC
Harbor Beach, Michigan

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**
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) **EPA-5-15-MI-06**
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NOTICE OF VIOLATION

Sensient Flavors, LLC (Sensient or you) owns and operates a manufacturing facility at 79 State Street, Harbor Beach, Michigan (the Facility) that contains hydrolyzed vegetable protein (HVP) reactors and neutralization equipment. Emissions from these units are controlled by two scrubbers.

The U.S. Environmental Protection Agency is issuing this Notice of Violation (NOV) to notify you that we have found the Facility operated outside pH and differential pressure limits and in violation of malfunction abatement plan (MAP) requirements specified in your Michigan permits to install (PTIs). These violations of the PTIs constitute violations of the Clean Air Act (the Act), 42 U.S.C. §§ 7401-7671q, and its implementing regulations. The relevant statutory and regulatory background, factual background, and findings of violation are set forth in detail below.

This NOV is issued in accordance with Section 113(a)(1) of the Act, 42 U.S.C. § 7413(a)(1), which authorizes the Administrator to take certain enforcement actions after notifying a person that it is in violation of the Act. The Administrator has delegated the authority to issue this NOV to the Regional Administrator, who in turn has re-delegated that authority to the Director of the Air and Radiation Division for Region 5 of the EPA.

Relevant Statutory and Regulatory Background

Michigan Permit to Install Program

1. Section 110 of the Act, 42 U.S.C. § 7410, requires each state to adopt and submit to EPA for approval a State Implementation Plan (SIP) that provides for the implementation, maintenance, and enforcement of the National Ambient Air Quality Standards (NAAQS).
2. Under Section 110(a)(2) of the Act, 42 U.S.C. § 7410(a)(2), each SIP must include a permit program to regulate the air pollution emissions of any stationary source as necessary to assure that NAAQS are achieved. Pursuant to Section 113(a) and (b) of the

Act, 42 U.S.C. § 7413(a) and (b), upon EPA approval, SIP requirements are federally enforceable under Section 113. See also 40 C.F.R. § 52.23.

3. Section 113(a)(1) of the Act, 42 U.S.C. § 7413(a)(1), 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 an applicable implementation plan or permit.
4. On May 6, 1980, EPA approved the requirements at Mich. Admin. Code r. 336.1201 (Michigan Rule 201), pertaining to Permits to Install, as part of the federally enforceable SIP for Michigan. (45 Fed. Reg. 29790)

Sensient Permits to Install

5. The Michigan Department of Environmental Quality (MDEQ) issued Permit to Install (PTI) No. 85-96C to the Facility on October 9, 2008 (2008 PTI).
6. The 2008 PTI describes the HVP reactors as being vented to a packed bed scrubber (HVP Reactor Room Scrubber). The HVP reactors have the Emission Unit ID EUHVPREACTORS.
7. The 2008 PTI describes the hydrochloric acid tank, two neutralization tanks, LAH tanks and casein hydrolysate still as being vented to a packed bed scrubber (Neutralization Tank Scrubber). The aforementioned units have the Emission Unit ID EUHCLNEULAHTANKS.
8. The 2008 PTI describes the emission units EUHVPREACTORS and EUHCLNEULAHTANKS as Flexible Group ID FGHVPHCLNEU.
9. Special Condition 1.2 of the 2008 PTI states that the permittee shall not operate FGHVPHCLNEU unless a malfunction abatement plan (MAP) for each packed bed scrubber system in FGHVPHCLNEU is implemented and maintained.
10. Special Condition 1.3 of the 2008 PTI states that the permittee shall not operate EUHVPREACTORS unless the HVP Reactor Room Scrubber is operated maintaining pH in the range of 8 to 10 and a maximum differential pressure of 4.0 inches water column.
11. Special Condition 1.4 of the 2008 PTI states that the permittee shall not operate EUHCLNEULAHTANKS unless the Neutralization Tank Scrubber is operated maintaining pH in the range of 8 to 10 and a maximum differential pressure of 4.0 inches water column.
12. MDEQ issued PTI No. 85-96D to the Facility on January 7, 2014 (2014 PTI).
13. The 2014 PTI describes the HVP reactors as being vented to the HVP Reactor Room Scrubber. The HVP reactors have the Emission Unit ID EUHVPREACTORS.

14. The 2014 PTI describes the two neutralization tanks and casein hydrolysate still as being vented to the Neutralization Tank Scrubber. These units have the Emission Unit ID EUNEUTANKS.
15. The 2014 PTI describes the hydrochloric acid tank and LAH tanks as being able to be vented to either the Neutralization Tank Scrubber or the HVP Reactor Room Scrubber. These units have the Emission Unit ID EUHCLLAHTANKS.
16. The 2014 PTI describes the emission units EUHVPREACTORS, EUNEUTANKS, and EUHCLLAHTANKS as being Flexible Group ID FGHVPHCLNEU.
17. FGHVPHCLNEU Condition III.1 of the 2014 PTI states that the permittee shall not operate FGHVPHCLNEU unless a MAP for each packed bed scrubber system in FGHVPHCLNEU is implemented and maintained.
18. FGHVPHCLNEU Condition IV.1 of the 2014 PTI states that the permittee shall not operate EUHVPREACTORS unless the HVP Reactor Room Scrubber is operated with a maximum differential pressure of 4.0 inches water column.
19. FGHVPHCLNEU Condition IV.2 of the 2014 PTI states that the permittee shall not operate EUNEUTANKS unless the Neutralization Tank Scrubber is operated with a maximum differential pressure of 4.0 inches water column.
20. FGHVPHCLNEU Condition IV.3 of the 2014 PTI states that the permittee shall not operate EUHCLLAHTANKS unless the Neutralization Tank Scrubber or the HVP Reactor Room Scrubber is operated with a maximum differential pressure of 4.0 inches water column.

Relevant Factual Background

21. Sensient owns and operates a food flavoring production plant located at 79 State Street, Harbor Beach, Michigan (the Facility).
22. On February 14, 2014, EPA issued a request for information pursuant to Section 114 of the Act to Sensient (Information Request).
23. In response to the Information Request, Sensient provided EPA with various records including the Facility's MAP and parametric monitoring records for the HVP Reactor Room Scrubber and Neutralization Tank Scrubber.
24. Since July 1, 2010, Sensient has routinely operated EUHVPREACTORS while the pH and/or differential pressure at the HVP Reactor Room Scrubber were outside of the permitted ranges.
25. Since July 1, 2010, Sensient has routinely operated EUHCLNEULAHTANKS while the pH and/or differential pressure at the Neutralization Tank Scrubber were outside of the permitted ranges.

26. Since January 7, 2014, Sensient has routinely operated EUHCLLAHTANKS while the differential pressures at either the Neutralization Tank Scrubber or the HVP Reactor Room Scrubber were greater than 4.0 inches water column.
27. The MAP states that, because it is an indication of plugging in the control equipment, corrective action for a differential pressure reading exceeding 4 inches of water column at either the Neutralization Tank Scrubber or HVP Reactor Room Scrubber is to, "Investigate, and clean or repair."
28. The MAP states that the corrective action for a pH reading below 8.0 or above 10.0 at either the Neutralization Tank Scrubber or HVP Reactor Room Scrubber is to, "Adjust pH by adding acid or caustic as necessary."
29. Due to the extended periods of operating parameter deviation at the Neutralization Tank Scrubber and HVP Reactor Room Scrubber, Sensient did not conduct the corrective actions required by the MAP.

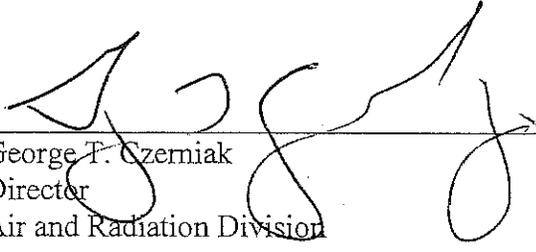
Notice of Violation

30. Sensient operated EUHVPREACTORS during periods when the differential pressure and/or the pH at the HVP Reactor Room Scrubber were outside operating limits from July 1, 2010, through January 6, 2014, in violation of Special Condition 1.3 of the 2008 PTI.
31. Sensient operated EUHCLNEULAHTANKS during periods when the differential pressure and/or the pH at the Neutralization Tank Scrubber were outside operating limits from July 1, 2010, through January 6, 2014, in violation of Special Condition 1.4 of the 2008 PTI.
32. Sensient operated FGHVPHCLNEU while not implementing the MAP from July 1, 2010, through January 6, 2014, in violation of Special Condition 1.2 of the 2008 PTI.
33. Sensient operated EUHVPREACTORS during periods when the differential pressure at the HVP Reactor Room Scrubber was outside operating limits since January 7, 2014, in violation of FGHVPHCLNEU Condition IV.1 of the 2014 PTI.
34. Sensient operated EUNEUTANKS during periods when the differential pressure at the Neutralization Tank Scrubber was outside operating limits since January 7, 2014, in violation of FGHVPHCLNEU Condition IV.2 of the 2014 PTI.
35. Sensient operated EUHCLLAHTANKS during periods when the differential pressure at either the Neutralization Tank Scrubber or HVP Reactor Room Scrubber were outside operating limits since January 7, 2014, in violation of FGHVPHCLNEU Condition IV.3 of the 2014 PTI.
36. Sensient operated FGHVPHCLNEU while not implementing the MAP since January 7, 2014, in violation of FGHVPHCLNEU Condition III.1 of the 2014 PTI.

37. Sensient's violations of the pH and differential pressure limits and MAP requirements are violations of its PTIs and the applicable Michigan SIP requirements.

6/29/15

Date



George T. Czerniak
Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Notice of Violation, No. EPA-5-15-MI-06 by Certified Mail, Return Receipt Requested, to:

Mark Halvorsen
Sr. Corp. EHS Engineer - North America
Sensient Flavors
2300 Barrington Road, Suite 700
Hoffman Estates, Illinois 60169

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

Chris Hare, Supervisor
Air Quality Division
Michigan Department of Environmental Quality
401 Ketchum Street, Suite B
Bay City, Michigan 48708

Tom Hess, Enforcement Unit Manager
Air Quality Division
Michigan Department of Environmental Quality
525 West Allegan
P.O. Box 30242
Lansing, Michigan 48909

On the 30th day of June 2015.



for Loretta Shaffer, Program Technician
AECAB, PAS