

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

IN THE MATTER OF: )  
)  
International Malting ) **NOTICE OF VIOLATION**  
Company LLC )  
Milwaukee, Wisconsin ) **EPA-5-99-WI-27**  
)  
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**

The Administrator of the United States Environmental Protection Agency (U.S. EPA), by authority duly delegated to the undersigned, is issuing this Notice of Violation pursuant to Section 113(a)(1) of the Clean Air Act. U.S. EPA hereby notifies the State of Wisconsin and International Malting Company LLC (International Malting), that U.S. EPA finds that International Malting's West Plant, located at 2100 S. 43<sup>rd</sup> Street, is in violation of the Wisconsin State Implementation Plan (SIP), as follows:

**Statutory and Regulatory Background**

1. On March 9, 1983, U.S. EPA approved Wisconsin Administrative Code Rule NR 154.11(2), and Wisconsin Administrative Code Rule NR 154.11(6)(a)1, as part of the federally enforceable SIP for the State of Wisconsin. 48 Fed. Reg. 9860. {The rules are codified as State Rules NR 415.04 and NR 431.04(2), respectively.}
2. Wisconsin Rule NR 154.11(2) states that no person shall cause, allow, or permit any materials to be handled, transported, or stored without taking precautions to prevent particulate matter from becoming airborne.
3. Wisconsin Rule NR 154.11(6)(a)1, states in summary that all direct and portable sources constructed or modified after April 1, 1972 in addition to all direct or portable sources located in the Southeast Wisconsin Air Quality Control Region shall meet a 20 percent (%) opacity limit.

**Factual Background**

4. Froedtert Malt Corporation owns and operates a malt manufacturing facility located at 2100 S. 43<sup>rd</sup> Street, in Milwaukee, Wisconsin (known as the West Plant), also located in the Southeast Wisconsin Air Quality Control Region.
4. Emissions from the grain loading operations are subject to the fugitive dust and the opacity regulations set forth in the Wisconsin SIP at Wisconsin Rule NR 154.11(2) and NR 154.11(6)(a)1.

**Findings of Violation**

5. On September 30, 1998, a Wisconsin Department of Natural Resources (WDNR) inspector obtained five particulate samples from a residence near Froedtert Malt's 43<sup>rd</sup> Street facility (West Facility). Those particulate samples were analyzed by the Wisconsin State Lab of Hygiene. The results of the five particulate samples showed concentrations of barley grain dust ranging from 30% to 95%, and were attributed to Froedtert Malt's operations. Therefore, Froedtert Malt Corporation is in violation of Wisconsin SIP Rule NR 154.11(2) because it "caused, allowed, or permitted materials to be handled, transported, or stored without taking precautions to prevent particulate matter from becoming airborne."
6. On December 7, 1998, a WDNR inspector conducted Reference Method 9 visible emissions observations on a cyclone which controls particulate emissions from the grain loading process. The observations lasted 20 minutes. The six-minute average opacities ranged from 37.7% to 62.3%. Froedtert Malt is therefore in violation of Wisconsin SIP Rule NR 154.11(6)(2)1, because the observed opacities exceed 20%.

6/17/99  
Date

  
\_\_\_\_\_  
Margaret M. Guerriero, Acting Director  
Air and Radiation Division

CERTIFICATE OF MAILING

I, Shanee Rucker, do hereby certify that a Request for Information Pursuant to the Clean Air Act was sent by Certified Mail, Return Receipt Requested, to:

Thomas Czaplewski, Plant Manager  
International Malting Company LLC  
P.O. Box 712  
Milwaukee, Wisconsin 53201

I also certify that copies of the Request for Information Pursuant to the Clean Air Act was sent 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

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

on the 18 day of June, 1999.

  
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Shanee Rucker, Secretary  
AECAS (MI/WI)

CERTIFIED MAIL RECEIPT NUMBER: P140 777013