



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

MAY - 2 2014

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Randy Paulson
Manager
Associated Milk Producers, Inc.
14193 County Highway S
Jim Falls, Wisconsin 54748

Re: Notice of Violation and Finding of Violation
Associated Milk Producers, Inc.
Jim Falls, Wisconsin

Dear Mr. Paulson:

The U.S. Environmental Protection Agency is issuing the enclosed Notice of Violation and Finding of Violation (NOV/FOV) to Associated Milk Producers, Inc. ("AMPI" or "you") under Section 113(a) of the Clean Air Act (the CAA), 42 U.S.C. § 7413(a). We find that you have violated the Wisconsin State Implementation Plan and your federally-enforceable operating permit No. 609037220-P10 at your Jim Falls, Wisconsin, facility.

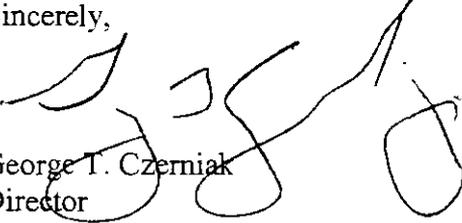
Section 113 of the CAA gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the NOV/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. In addition, in order to make the conference more productive, we encourage you to submit to us information responsive to the NOV/FOV 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 Sarah Marshall. You may call her at (312) 886-6797 to request a conference. You should make this 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,



George T. Czerniak
Director
Air and Radiation Division

Enclosure

cc: Bill Baumann, WDNR
Jeff Johnson, WDNR

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

Associated Milk Producers, Inc.
Jim Falls, Wisconsin

Proceedings Pursuant to
Section 113(a)(1) of the
Clean Air Act, 42 U.S.C.
§ 7413(a)(1)

)
)
) **NOTICE OF VIOLATION AND
FINDING OF VIOLATION**

) **EPA-5-14-WI-02**
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NOTICE OF VIOLATION AND FINDING OF VIOLATION

The U.S. Environmental Protection Agency is issuing this Notice of Violation and Finding of Violation under Section 113(a) of the Clean Air Act (the CAA), 42 U.S.C. § 7413(a). EPA finds that Associated Milk Producers, Inc. (AMPI) has violated the CAA, the Wisconsin State Implementation Plan (SIP), and its Title V Permit No. 609037220-P10, as follows:

Statutory and Regulatory Background

1. Pursuant to Section 110(a)(1) of the CAA, 42 U.S.C. § 7410(a)(1), each state is responsible for submitting to EPA for approval an implementation plan which specifies how the state will achieve, maintain, and enforce all primary and secondary National Ambient Air Quality Standards (NAAQS) in the state.
2. Under Section 110(a)(2) of the CAA, 42 U.S.C. § 7410(a)(2), each SIP must include enforceable emission limitations and other control measures, means, or techniques, as well as schedules for compliance, as may be necessary to meet applicable requirements, and must include a permit program to provide for the enforcement of these limitations, measures, and schedules as necessary to assure the NAAQS are achieved. Upon EPA's approval of a SIP, the plans become independently enforceable by the federal government, as stated under Section 113(a)(1) of the CAA, 42 U.S.C. § 7413(a)(1).
3. On March 9, 1983, EPA approved NR 154.11(4) as part of the federally-enforceable Wisconsin SIP. 48 *Fed. Reg.* 9860 (March 9, 1983). NR 154.11(4) became federally effective on April 18, 1983. Wisconsin has since recodified NR 154.11(4) at NR 415.06
4. NR 154.11(4)(a) of the Wisconsin SIP [NR 415.06(1)(a)] states that no person may cause, allow, or permit the emission of particulate matter (PM) to the ambient air from, among other things, any fuel-burning installation with a maximum heat input greater than 1 million British Thermal Units (mmBTU) per hour and for which construction or modification was commenced on or before April 1, 1972, in excess of 0.60 lb/mmBTU heat input.

5. On January 18, 1995, EPA approved definitions in NR 400 as part of the federally-enforceable Wisconsin SIP. 60 *Fed. Reg.* 3538 (January 18, 1995). NR 400 became federally effective on February 17, 1995.
6. NR 400.02(69) of the federally-enforceable Wisconsin SIP and Section 302(e) of the CAA, 42 U.S.C. § 7602(e), define “person,” as, among other things, any corporation.
7. NR 400.02(66) of the federally-enforceable Wisconsin SIP defines “particulate matter” as any air-borne, finely-divided solid or liquid material with an aerodynamic diameter smaller than 100 micrometers.
8. NR 400.02(66m) of the federally-enforceable Wisconsin SIP define “particulate matter emissions” as all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by an applicable reference method or an equivalent or alternative method specified by [the Wisconsin Department of Natural Resources (WDNR)].
9. On August 15, 1994, EPA approved NR 439 as part of the federally-enforceable Wisconsin SIP. 59 *Fed. Reg.* 41709 (August 15, 1994). NR 439 became federally effective on April 27, 1995.
10. NR 439.07(1) of the Wisconsin SIP requires that the owner or operator of a source required to conduct emission testing perform all compliance emission tests with the equipment operating at capacity or as close to capacity as possible, unless WDNR approves the performance of a test at less than capacity.
11. Title V of the CAA, 42 U.S.C. §§ 7661-7661f, and its implementing regulations at 40 C.F.R. Part 70, establish an operating permit program for certain sources, including major sources, and other sources made subject under Section 502(a) of the CAA, 42 U.S.C. § 7661a(a).
12. For the purposes of Title V, Section 502(2)(B) of the CAA, 42 U.S.C. § 7661(2)(B), and 40 C.F.R. § 70.2 define “major source” as, among other things, any source that emits or has the potential to emit one hundred tons per year (tpy) or more of any air pollutant.
13. Section 504(a) of the CAA, 42 U.S.C. § 7661c(a), requires that each Title V operating permit include enforceable emission limitations and standards, a schedule of compliance, and other conditions necessary to assure compliance with applicable requirements, including those contained in a SIP.
14. Section 502(a) of the CAA, 42 U.S.C. § 7661a(a), requires, in part, that after the effective date of any permit program approved or promulgated under Title V of the CAA, it shall be unlawful for any person to violate any requirement of a permit issued under Title V.

15. EPA approved Wisconsin's Title V operating permit program on an interim basis on March 6, 1995. 60 *Fed. Reg.* 12128 (March 6, 1995). EPA fully approved the program on December 4, 2001. 66 *Fed. Reg.* 62951 (December 4, 2001).
16. WDNR issued Title V Permit No. 609037220-P10 to AMPI on April 5, 2006.
17. Condition I.A.1.a.(1) of AMPI's Title V Permit No. 609037220-P10 requires that PM emissions from Boiler B20 at the facility not exceed 54 pounds per hour (lb/hr), which is equivalent to 0.60 lb/mmBTU heat input at 100 percent capacity.
18. Condition I.A.1.b.(1)(a) of AMPI's Title V Permit No. 609037220-P10 requires that performance tests of Boiler B20 to determine compliance with the PM emission limit be conducted every 24 months.
19. Condition I.A.1.b.(1)(c) of AMPI's Title V Permit No. 609037220-P10 requires that performance tests of Boiler B20 to determine compliance with the PM emission limit be conducted in accordance with Condition I.H.4.a.(1) of AMPI's Title V Permit No. 609037220-P10.
20. Condition I.H.4.a.(1) of AMPI's Title V Permit No. 609037220-P10 requires that any required performance test be conducted while operating at 100 percent capacity.

Findings of Fact

21. AMPI owns and operates a cheese production facility with a Babcock & Wilcox coal boiler, identified as Boiler B20 in AMPI's Title V Permit No. 609037220-P10, at 14193 County Highway S, Jim Falls, Wisconsin.
22. AMPI is a "person," as that term is defined at NR 400.02(123) of the Wisconsin SIP.
23. AMPI's Jim Falls, Wisconsin, facility has the potential to emit over 100 tpy of PM, making it a "major source," as that term is defined at Section 502(2)(B) of the CAA, 42 U.S.C. § 7661(2)(B), and 40 C.F.R. § 70.2.
24. Boiler B20 has a rated steam capacity of 75,000 lb/hr and a heat input rating of 90 mmBTU/hr.
25. AMPI installed Boiler B20 in 1957, making it subject to the PM emission limit in NR 154.11(4)(a) of the Wisconsin SIP [NR 415.06(1)(a)].
26. Boiler B20 is equipped with a high-efficiency multicyclone for PM control.
27. On December 7, 2010, Interpoll Laboratories, Inc. (Interpoll) conducted a performance test for AMPI to determine the PM emission rate from Boiler B20. It conducted the test at a heat input between 39 and 47 mmBTU/hr, which is between 43 and 52 percent of the boiler's rated heat input.

28. The results of the December 7, 2010, performance test demonstrated a PM emission rate from Boiler B20 of 0.76 lb/mmBTU heat input, which when extrapolated to 100 percent of the boiler's rated heat input, equals approximately 1.60 lb/mmBTU heat input.
29. The results of the December 7, 2010, performance test demonstrated a PM emission rate from Boiler B20 of 32.19 lb/hr, which when extrapolated to 100 percent of the boiler's rated heat input, equals approximately 68.04 lb/hr.
30. On October 18, 2011, Interpoll conducted a performance test for AMPI to determine the PM emission rate from Boiler B20. It conducted the test at a heat input between 37 and 43mmBTU/hr, which is between 41 and 48 percent of the boiler's rated heat input.
31. The results of the October 18, 2011, performance test demonstrated a PM emission rate from Boiler B20 of 0.89 lb/mmBTU heat input, which, when extrapolated to 100 percent of the boiler's rated heat input, equals approximately 2.03 lb/mmBTU heat input.
32. The results of the October 18, 2011, performance test demonstrated a PM emission rate from Boiler B20 of 35.37 lb/hr, which when extrapolated to 100 percent of the boiler's rated heat input, equals approximately 80.65 lb/hr.
33. On March 8, 2013, Interpoll conducted a performance test for AMPI to determine the PM emission rate from Boiler B20. It conducted the test at a heat input between 43 and 46 mmBTU/hr, which is between 48 and 51 percent of the boiler's rated heat input.
34. The results of the March 8, 2013, performance test demonstrated a PM emission rate from Boiler B20 of 0.36 lb/mmBTU heat input, which, when extrapolated to 100 percent of the boiler's rated heat input, equals 0.72 lb/mmBTU heat input.

Violations

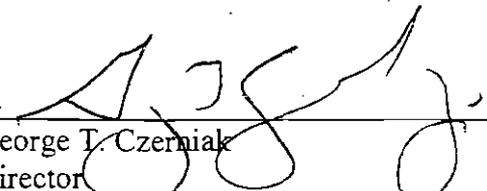
35. Based on the results of the December 7, 2010, October 18, 2011, and March 8, 2013, performance tests of Boiler B20, AMPI failed to comply with the PM emission rate in NR 154.11(4)(a) of the Wisconsin SIP [NR 415.06(1)(a)], Condition I.A.1.a.(1) of its Title V Permit No. 609037220-P10, and Section 502(a) of the CAA, 42 U.S.C. § 7661a(a).
36. AMPI failed to conduct the December 7, 2010, October 18, 2011, and March 8, 2013, performance tests of Boiler B20 at 100 percent capacity, in violation of NR 439.07(1) of the Wisconsin SIP, Conditions I.A.1.b.(1)(c) and I.H.4.a.(1) of AMPI's Title V Permit No. 609037220-P10, and Section 502(a) of the CAA, 42 U.S.C. § 7661a(a).

Environmental Impact of Violations

37. AMPI's exceedances caused increased public exposure to unhealthy PM. Acute respiratory effects of the inhalation of PM include narrowing of the airways and asthma attacks. Chronic respiratory effects include damage to lung tissue, increased pulmonary resistance, and fibrotic changes in lung tissue. Increased pulmonary resistance and fibrosis may lead to cardiovascular impairment.

Date

5/2/19


George T. Czerniak
Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Notice of Violation, No. EPA-5-14-WI-02, by Certified Mail, Return Receipt Requested, to:

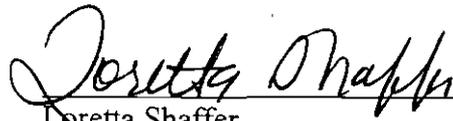
Randy Paulson
Manager
Associated Milk Producers, Inc.
14193 County Highway S
Jim Falls, Wisconsin 54748

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

Jeff Johnson
Supervisor
Wisconsin Department of Natural Resources
1300 West Clairemont Avenue
Eau Claire, Wisconsin 54701

Bill Baumann
Chief
Compliance and Enforcement Section
Bureau of Air Management
Wisconsin Department of Natural Resources
101 South Webster Street
P.O. Box 7921 (AM/7)
Madison, Wisconsin 53707-7921

On the 7 day of May 2014.


Loretta Shaffer
Administrative Program Assistant
AECAB, PAS

Certified Mail Receipt Number: 7009 1680 0000 7676 3134