



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

REPLY TO THE ATTENTION OF:

AE-17J

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

Derek Matz  
Operations Manager  
Ralston Foods  
276 Bremen Road  
Lancaster, Ohio 43130

Dear Matz:

The U.S. Environmental Protection Agency is issuing the enclosed Notice of Violation (NOV) to Ralston Foods (you) under Section 113(a)(1) of the Clean Air Act (the Act), 42 U.S.C. § 7413(a)(1). We find that you are in violation of Section 110 of the Act, 42 U.S.C. § 7410, and the Ohio State Implementation Plan at your Lancaster, Ohio facility.

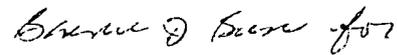
We have several enforcement options under Section 113(a)(1) of the Act, 42 U.S.C. § 7413(a)(1). These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the NOV. The conference will give you the opportunity to present information on the specific findings of violation, the 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 EPA contact in this matter is Ray Cullen. You may call him at (312) 886-0538 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,



Cheryl L. Newton  
Director  
Air and Radiation Division

Enclosure

cc: Tim Wiese, Director of Environmental Affairs  
Ralcorp Holdings, Inc.  
800 Market Street, Suite 2600  
St. Louis, Missouri 63101

Isaac Robinson, APC Manager  
Central District Office  
50 West Town Street, Suite 700  
Columbus, Ohio 43215

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

Ralston Foods  
Lancaster, Ohio

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-5-09-OH-04  
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**NOTICE OF VIOLATION**

The U.S. Environmental Protection Agency finds that Ralston Foods (Ralston) is violating Section 110 of the Clean Air Act (the Act), 42 U.S.C. § 7410. Specifically, Ralston is violating the Ohio State Implementation Plan (SIP) at its Lancaster, Ohio, facility, as follows:

**Statutory and Regulatory Authority**

- 1) On July 12, 1982, EPA approved Ohio Administrative Code (OAC) 3745-35-01 and 02 as part of the federally enforceable Ohio SIP. 47 Fed. Reg. 25145 (June 10, 1982).
- 2) OAC 3745-35-01 defines an "air contaminant source" as each separate operation or activity that results or may result in the emission of any air contaminant.
- 3) OAC 3745-35-02(A) states that no person shall cause, permit, or allow the operation or other use of any air contaminant source without applying for and obtaining a permit-to-operate (PTO) from the [Ohio EPA] in accordance with the requirements of this rule.
- 4) OAC 3745-35-02(B)(6) states, in part, that applications for PTOs shall contain, but are not limited to, the nature, source, and quantity of uncontrolled and controlled emissions.
- 5) OAC 3745-35 was rescinded on June 30, 2008, and replaced by the Permit-to-Install and Operate Program in OAC 3745-31.

**Finding of Fact**

- 6) Ralston owns and operates a private label cereal manufacturing facility located at 276 Bremen Road, Lancaster, Ohio (the facility).
- 7) Ralston began operating the facility in 1973.

- 8) The facility consists of seven dryers (including one for rolled frosted cereal).
- 9) Each of these dryers emits uncontrolled volatile organic chemicals (VOCs) from the flavorings added to the cereal batch.
- 10) The facility is an "air contaminant source," as that term is defined at OAC 3745-35-01.
- 11) Ralston's PTO applications for these dryers failed to include information on VOCs emitted from addition of flavorings.

**Violation**

- 12) Ralston failed to account for all potential emissions that could be emitted from its facility when it applied for its PTOs for its dryers, in violation of OAC 3745-35-02(B)(6) and Section 110 of the Act, 42 U.S.C. § 7410.

December 29, 2008  
Date

Cheryl L. Newton  
Cheryl L. Newton  
Director  
Air and Radiation Division

**CERTIFICATE OF MAILING**

I, Tracy Jamison, certify that I sent a Notice of Violation, No. EPA-5-09-OH-04, by Certified Mail, Return Receipt Requested, to:

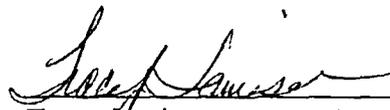
Derek Matz  
Operations Manager  
Ralston Foods  
276 Bremen Road  
Lancaster, Ohio 43130

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

Tim Wiese, Director of Environmental Affairs  
Ralcorp Holdings, Inc.  
800 Market Street, Suite 2600  
St. Louis, Missouri 63101

Isaac Robinson, APC Manager  
Central District Office  
50 West Town Street, Suite 700  
Columbus, Ohio 43215

on the 30 day of December, 2008.

  
Tracy Jamison,  
Office Automation Clerk  
AECAS, (MI/WI)

CERTIFIED MAIL RECEIPT NUMBER: 7001 032D 0004 0186 1733