



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

REPLY TO THE ATTENTION OF:

APR 03 2009

AE-17J

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

Ms. Carrie Jones-Barber  
Chief Executive Officer  
Dawn Food Products, Inc.  
3333 Sargent Road  
Jackson, Michigan 49201-8847

Mr. Brendan Caile  
General Manager  
Dawn Food Products Inc.  
1340 Sycamore Road  
Manteno, Illinois 60950

Dear Ms. Jones-Baber and Mr. Caile:

The U.S. Environmental Protection Agency is issuing the enclosed Notice of Violation (NOV) to Dawn Food Products, Inc. (you), under Section 113(a)(1) of the Clean Air Act (CAA), 42 U.S.C. § 7413(a)(1). We find that you are violating the Illinois State Implementation Plan at your Manteno, Illinois 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 the 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, 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 EPA contact in this matter is Ms. Jamie Iatropulos, Environmental Scientist. You may call her at (312) 886-6024 to request a conference. However, if you are represented by an attorney, all communications from your attorney should be directed to Mr. James Cha, Associate

**United States Environmental Protection Agency  
Region 5**

IN THE MATTER OF: )  
 )  
Dawn Food Products, Inc. ) NOTICE OF VIOLATION  
1340 Sycamore Road )  
Manteno, Illinois )  
 ) EPA-5-09-IL-08  
Proceedings Pursuant to Section 113 (a)(1) )  
of the Clean Air Act, as amended, 42 U.S.C. )  
§§ 7413 (a)(1) )

**NOTICE OF VIOLATION**

Dawn Food Products, Inc. (you), owns and operates a food manufacturing facility located in Manteno, Illinois. The U.S. Environmental Protection Agency is sending this Notice of Violation (NOV) to you for violating the Clean Air Act (CAA or the Act) and its implementing regulations. An explanation of the violations is provided below.

**STATUTORY AND REGULATORY BACKGROUND**

1. EPA approved the Illinois Pollution Control Board (IPCB) Rule 103 as part of the federally enforceable Illinois State Implementation Plan (SIP) on May 31, 1972. 37 Fed. Reg. 10862.
2. IPCB Rule 101 defines an "emission source" as any equipment or facility of a type capable of emitting specified air contaminants to the atmosphere. IPCB Rule 101 now is set forth at 35 Illinois Administrative Code (IAC) § 201.102.
3. IPCB Rule 101 defines a "new emission source" as any emission source that commences construction or modification on or after April 14, 1972.
4. IPCB Rule 103(a)(1) states that no person shall cause or allow the construction of any new emission source or any new air pollution control equipment, or cause or allow the modification of any existing emission source or air pollution control equipment, without first obtaining a construction permit from the Illinois Environmental Protection Agency. IPCB Rule 103(a)(1) now is set forth at 35 IAC § 201.142.
5. IPCB Rule 103(b)(1) states that no person shall cause or allow the operation of any emission source or new air pollution control equipment, for which a construction permit is required, without first obtaining an operational permit from the Illinois Environmental Protection Agency. IPCB Rule 103(b)(1) now is set forth at 35 IAC § 201.143.

## FINDINGS OF FACT

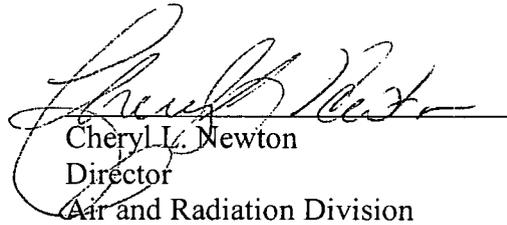
6. Dawn Food Products, Inc., (Dawn Food Products) is a corporation organized under the laws of the State of Michigan, with a corporate office at 3333 Sargent Road, Jackson, Michigan 49201.
7. Dawn Food Products owns and operates a food manufacturing facility (facility) located at 1340 Sycamore Road, Manteno, Illinois.
8. The facility began manufacturing at the Manteno, Illinois location during calendar year 2008.
9. The facility operates at least one baking line including an oven, two natural gas boilers, and ingredient mixing tanks.
10. The oven, natural gas boilers and ingredient mixing tanks identified in paragraph 9, above, were installed at times between January 2006 and July 2008.
11. The oven, natural gas boilers and ingredient mixing tanks identified in paragraph 9, above, emit or are of a type capable of emitting specified air contaminants such as particulate matter, sulfur dioxide, nitrogen oxides, volatile organic materials, or carbon dioxide to the atmosphere.
12. The Dawn Food Products facility is of a type capable of emitting specified air contaminants such as particulate matter, sulfur dioxide, nitrogen oxides, volatile organic materials, or carbon monoxide to the atmosphere.
13. Dawn Food Products installed at least one baking line at the facility after April 14, 1972. Specifically, Dawn Food Products installed the oven, natural gas boilers and ingredient mixing tanks identified in paragraphs 9 – 11, above, between January 2006 and July 2008.
14. The Dawn Food Products facility is an “emission source” as that term is defined at 35 IAC § 201.102.
15. The oven, natural gas boilers and mixing tanks identified in paragraphs 9 – 11, above, are “emission sources” within the meaning of 35 IAC § 201.102.
16. The Dawn Food Products facility is a “new emission source” as that term is defined at 35 IAC § 201.102.
17. The oven, natural gas boilers and mixing tanks identified in paragraphs 9 – 11, above, are “new emission sources” within the meaning of 35 IAC § 201.102.

18. As a "new emission source," the Dawn Food Products facility is and was at all times relevant to this NOV subject to the construction and operating permit requirements of 35 IAC §§ 201.142 and 201.143.
19. As "new emission sources," the oven, natural gas boilers and mixing tanks identified in paragraphs 9 – 11, above are and were at all times relevant to this NOV subject to the construction and operating permit requirements of 35 IAC §§ 201.142 and 201.143.
20. Prior to constructing or modifying any emission source or air pollution control equipment at its Manteno, IL facility (including but not limited to the oven, boilers and mixing tanks identified in paragraph 9, above), Dawn Food Products was required under IPCB Rule 103(a)(1), 35 IAC § 201.142, to obtain a construction permit from the Illinois Environmental Protection Agency.
21. Prior to commencing operation of any emission source or air pollution control equipment for which a construction permit was required at its Manteno, IL facility (including but not limited to the oven, boilers and mixing tanks identified in paragraph 9, above), Dawn Food Products was required under IPCB Rule 103(b)(1), 35 IAC § 201.143, to obtain an operating permit from the Illinois Environmental Protection Agency.

#### VIOLATIONS

22. Dawn Food Products failed to obtain a construction permit from the Illinois Environmental Protection Agency prior to commencing construction or modification of any emission source or air pollution control equipment at its Manteno, IL facility, in violation of 35 IAC §§ 201.142 and Section 110 of the Act, 42 U.S.C. § 7410.
23. Dawn Food Products failed to obtain an operating permit from the Illinois Environmental Protection Agency prior to commencing operation of any emission source or air pollution control equipment for which a construction permit was required at its Manteno, IL facility, in violation of 35 IAC §§ 201.143 and Section 110 of the Act, 42 U.S.C. § 7410.

4/1/09  
Date

  
Cheryl L. Newton  
Director  
Air and Radiation Division

**CERTIFICATE OF MAILING**

I, Tracy Jamison, certify that I sent a Notice of Violation, No. EPA-5-08-IL-08, by Certified Mail, Return Receipt Requested, to:

Ms. Carrie Jones-Barber  
Chief Executive Officer  
Dawn Food Products, Inc.  
3333 Sargent Road  
Jackson, Michigan 49201

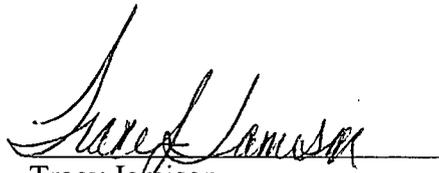
Mr. Brendan Caile  
General Manager  
Dawn Food Products Inc.  
1340 Sycamore Road  
Manteno, Illinois 60950

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

Mr. Ray Pilapil, Chief  
Compliance and Systems Management Section  
Illinois Environmental Protection Agency  
1021 North Grand Avenue  
Springfield, Illinois 62702

Mr. Joe Kotas, Bureau of Air  
Illinois Environmental Protection Agency  
9511 West Harrison Street  
Des Plaines, Illinois 60016

on the 3 day of April, 2009.

  
Tracy Jamison  
Office Automation Clerk  
AECAS (MI/WI)

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0005 8919 2904  
7001 0320 0005 8919 2898