

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

2014 MAY -8 PM 3:21

In the Matter of:)	Compliance Order	EPA REGION VIII HEARING CLERK
Ward County Courthouse)		
Minot, North Dakota)		
Proceeding Under Section)	Docket No: CAA-08-2014- 0002	
113 of the Clean Air Act,)		
42 U.S.C. §7413)		

STATUTORY AUTHORITY

This Compliance Order (Order) is issued to Ward County pursuant to section 113(a)(3)(B) of the Clean Air Act (CAA), 42 U.S.C. §7413(a)(3)(B), as amended, for violations of the CAA's program for National Emission Standards for Hazardous Air Pollutants (NESHAPs) as set forth in section 112 of the CAA, 42 U.S.C. §7412. The authority to issue the Order has been properly delegated to the Assistant Regional Administrator, Office of Enforcement, Compliance, and Environmental Justice, Environmental Protection Agency (EPA) Region 8.

BACKGROUND

1. Ward County is the owner and operator of an uncontrolled Detroit Diesel RO837K36 engine, serial # 5312002187 with a horsepower rating of 765 and constructed in 2004, subject to emission and operating limitations pursuant to the NESHAPs for Stationary Reciprocating Internal Combustion Engines (RICE).
2. The Ward County Courthouse is an area source of hazardous air pollutants (pursuant to 40 C.F.R. § 63.2).
3. On September 23, 2013, Ward County requested a compliance date extension from the EPA for its Detroit Diesel RO837K36 engine subject to the NESHAPs for Stationary RICE. The compliance date for the engine was May 3, 2013. Ward County cited the lengthy process to obtain funding and award contracts for the installation of controls on this engine as the reason for the delay.
4. On October 23, 2013, pursuant to authority in the General Provisions delegated to the EPA Region 8 at NESHAPs General Provisions, 40 C.F.R §63.6(i), the EPA granted a one year compliance date extension to Ward County (Attachment A). The extended compliance date for the Ward County stationary RICE was May 3, 2014.

5. On April 15, 2014, Ward County informed the EPA that the installation of the required controls on the stationary RICE would not be until after the May 3, 2014 extended compliance deadline.

NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

6. Pursuant to the authority under section 112 of the CAA, 42 U.S.C. § 7412, the EPA Administrator promulgated regulations establishing the NESHAPs for Stationary RICE. These "Maximum Achievable Control Technology" (MACT) regulations for stationary RICE are codified at 40 C.F.R. part 63, subpart ZZZZ and 40 C.F.R. part 63, subpart A (General Provisions). The effective date of these subparts was June 15, 2004.
7. Pursuant to 40 C.F.R. § 63.6603(a) national emission limitations and operating limitations for Hazardous Air Pollutants (HAPs) are established for stationary RICE located at major and area sources of HAP emissions. This subpart also establishes requirements to demonstrate initial and continuous compliance with the emission limitations and operating limitations.
8. Under 40 C.F.R. §63.6603(a), Table 2d and Table 2b, the owner or operator of a stationary RICE is subject to emission and operating limitations.
9. Under 40 C.F.R. §63.6604, the owner or operator of a stationary RICE is subject to fuel requirements.
10. Under 40 C.F.R. §63.6625(g), the owner or operator of a stationary RICE is subject to crankcase ventilation system requirements.

FINDINGS OF VIOLATION

11. Failure to control the stationary RICE engine at the Ward County Courthouse violates 40 C.F.R. §§63.6603(a), Table 2d, Table 2b, 63.6604 and 63.6625(g) of the NESHAP for Stationary RICE.

COMPLIANCE ORDER

12. Pursuant to section 113(a)(3)(B) of the CAA, 42 U.S.C. § 7413(a)(3)(B), the EPA hereby issues the following order to Ward County:

No later than August 3, 2014, Ward County shall comply with applicable stationary RICE requirements found at 40 C.F.R. Part 63 for the Detroit Diesel RO837K36 engine, serial #5312002187.

REPORTING REQUIREMENTS

13. Pursuant to the October 23, 2013 Extension of Compliance issued by the EPA (Attachment A) to Ward County, after installation of required controls, Ward County shall provide a letter to the Director of the Air & Toxics Technical Enforcement Program at the EPA Region 8, no

later than 30 calendar days after final compliance, indicating whether the appropriate controls have been installed and when the initial performance testing will commence.

ENFORCEMENT

14. Issuance of this Order does not preclude any other action by the EPA to redress past or future violations of the CAA, including any of the following:
 - a. an administrative penalty complaint pursuant to section 113(d) of the CAA, 42 U.S.C. § 7413(d), for penalties of not more than \$37,500 per day for each violation;
 - b. a civil action pursuant to section 113(b) of the CAA, 42 U.S.C. § 7413(b), for injunctive relief or civil penalties of not more than \$37,500 per day for each violation occurring; and
 - c. a criminal action pursuant to 42 U.S.C. § 7413 or Title 18 of the U.S. Code.
15. Pursuant to section 120 of the CAA, 42 U.S.C. § 7420, the EPA is also authorized to assess noncompliance penalties aimed at recovering the economic benefit which any person received by not complying with the CAA.
16. Pursuant to section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3), failure to comply with this Order may lead to a civil action to obtain compliance and/or an action for civil or criminal penalties.

OPPORTUNITY FOR CONFERENCE

17. In accordance with section 113(a)(4) of the CAA, 42 U.S.C. § 7413(a)(4), the EPA is offering Ward County an opportunity for a conference to discuss the Order. The request for such a conference must be made no later than thirty (30) calendar days from the date Ward County receives this Order. If Ward County wishes to make arrangements for a conference, please contact David Rochlin, Enforcement Attorney, U.S. EPA Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129. Mr. Rochlin's phone number is (303) 312-6892. By offering the opportunity for a conference or participating in one, the EPA does not waive or limit its right to any remedy available under the CAA.

By: Eddie A. Sierra
Eddie A. Sierra
Acting Assistant Regional Administrator
Office of Enforcement, Compliance and
Environmental Justice

Date: 05/05/2014

ATTACHMENT A



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

OCT 23 2013

Ref: 8ENF-AT

Leona Lochthowe
Ward County Building Supervisor
315 3rd St SE
Minot, North Dakota 58701

Re: Request for Extension to Compliance: National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines 40 C.F.R. Part 63, Subpart ZZZZ

Dear Ms. Lochthowe:

This is in response to an email on September 23, 2013, from the Ward County Courthouse (Ward County) in Minot North Dakota. Ward County operates one existing (constructed before 6/12/2006), greater than 500 hp, compression ignition (diesel fired), non-emergency engine located at area sources (minor) of Hazardous Air Pollutants (HAPs) and is subject to the National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engine (RICE) 40 C.F.R. Part 63, Subpart ZZZZ (MACT ZZZZ). The compliance date for this engine was May 3, 2013. Ward County has requested an extension to the compliance date according to the provisions under 40 C.F.R. § 63.6(i) because it asserts that it is unable to comply with the standards of MACT ZZZZ and needs additional time for the installation of controls. The U.S. Environmental Protection Agency, Region 8 (the EPA), by this letter, approves a twelve month compliance extension as described further below.

For the engine identified in Table 2 of this letter, Ward County shall install an oxidation catalyst, continuous-parameter monitoring system and crankcase ventilation system to comply with the emission limits of MACT ZZZZ. Ward County expects to begin installation of the control equipment on January 13, 2014 and complete installation by January 20, 2014. Due to the extension, Ward County is now required to achieve final compliance with MACT ZZZZ by May 3, 2014, according to the schedule presented in Table 1 below.

Table 1: Schedule for extended compliance

Date	Activity
1/13/2014	Planned control equipment install date
1/20/2014	Planned control equipment install completion date
5/3/2014	Final compliance date

Determination

The extension is justified based on the lengthy process to obtain funding and award contracts for newly identified projects, such as the installation of these controls.

EPA Extension Approval according to 40 C.F.R. §63.6(i)(8)

(i) The affected source covered by this extension is detailed in Table 2 below:

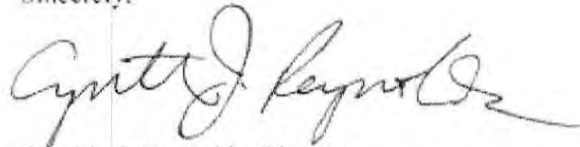
Table 2: Engine for extended compliance

Location	Engine Manufacturer	Engine Model	Serial #	Site Rated HP	Construct Date
315 3 rd St SE, Minot ND	Detroit Diesel	RO837K36	5312002187	765	2004

- (ii) This extension will last twelve months from the compliance date, until May 3, 2014.
- (iii) Ward County must comply with applicable requirements of MACT ZZZZ by May 3, 2014.
- (iv) This extension applies for the following provisions:
 - a. 40 C.F.R. § 63.6603(a) Emission limitation requirements from Table 2d, and the operating limitations in Table 2b to this subpart;
 - b. 40 C.F.R. § 63.6604 fuel requirements; and
 - c. 40 C.F.R. § 63.6625(g) Crankcase ventilation system requirements.
- (v) Notwithstanding this extension of compliance for the provisions listed above, for the engine covered by this extension, Ward County must meet all other applicable federal or State requirements.
- (vi) Pursuant to 40 C.F.R. §63.6(i)(11), Ward County shall provide a letter to the Director of the Air & Toxics Technical Enforcement Program at the EPA Region 8, within 30 calendar days of final compliance indicating whether the schedule for extended compliance dates in Table 1 were met.
- (vii) Pursuant to 40 C.F.R. §63.6(i)(4)(i), the compliance extension must be incorporated into the Title V permit if a source granted a compliance extension has a Title V permit, or is required to be issued a Title V permit.
- (viii) Ward County may be subject to civil fines and penalties of up to \$37,500 per day, per violation (Section 113 of the Clean Air Act) should compliance with MACT ZZZZ not be achieved by the extended compliance date in Table 1.
- (ix) The twelve month extension shall be nullified should the requirement for these engines to install controls under MACT ZZZZ be eliminated, superseded, or amended.

If you have any further questions regarding this determination, please contact Alex North, at (303) 312-7005.

Sincerely,



Cynthia J. Reynolds, Director
Air & Toxics Technical Enforcement Program

cc: Lew Dendy, North Dakota Department of Health, Title V Permitting

