



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

AUG 07 2014

Ref: 8ENF- AT

Mr. Francis Ricard
Store Director
Hugo's Family Marketplace
155 East 12th Street
Grafton, North Dakota 58237

Dear Mr. Ricard:

Please find enclosed the compliance order issued by the U.S. Environmental Protection Agency. This order requires Hugo's Family Marketplace Grafton and Grand Forks to come into compliance with National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines 40 C.F.R. Part 63, Subpart ZZZZ control requirements applicable to your engines by June 1, 2015.

If you have any questions please contact Alexis North, Technical Enforcement Program, at (303) 312-7005.

Sincerely,

Suzanne J. Bohan
Acting Assistant Regional Administrator
Office of Enforcement, Compliance
and Environmental Justice

Enclosure

cc: Dave Kamrowski, Cummins NPower
Lew Dendy, North Dakota Department of Health, Title V Permitting

5. On October 17, 2013, pursuant to authority in the General Provisions delegated to the EPA Region 8 per NESHAPs General Provisions, 40 C.F.R §63.6(i), the EPA granted a 1 year compliance date extension to Hugo's Family Marketplace Grafton (Attachment A incorporated herein by reference). The extended compliance date for the Hugo's Family Marketplace Grafton stationary RICE was May 3, 2014.
6. On July 22, 2014, Hugo's Family Marketplace formally notified the EPA that the installation of the required controls on the stationary RICE at the Grafton, North Dakota location would not be until January 15, 2015.
7. On July 22, 2014, Hugo's Family Marketplace notified the EPA that a stationary RICE engine (Mitsubishi LSA491S2 engine, serial # FC91146/1) at the Hugo's Grand Forks located at 1750 32nd Avenue South, Grand Forks, North Dakota is out of compliance with the required pollution controls pursuant to the NESHAPs for stationary RICE.

NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

8. The engines identified in paragraphs 1 and 2 are subject to emission and operating limitations pursuant to the NESHAP's "Maximum Achievable Control Technology" (MACT) regulations for stationary RICE, codified at 40 C.F.R. part 63, subpart ZZZZ. The effective date of these subparts was June 15, 2004.
9. 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.
10. 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.
11. Under 40 C.F.R. §63.6604, the owner or operator of a stationary RICE is subject to fuel requirements.
12. Under 40 C.F.R. §63.6625(g), the owner or operator of a stationary RICE is subject to crankcase ventilation system requirements.
13. Hugo's Family Marketplace Grafton and Hugo's Family Marketplace Grand Forks are subject to all the requirements described in paragraphs 10, 11 and 12.

FINDINGS OF VIOLATION

14. Failure to control the stationary RICE engines at the Hugo's Family Marketplace Grafton and the Hugo's Family Marketplace Grand Forks 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

15. 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 Hugo's Family Marketplace Grafton and the Hugo's Family Marketplace Grand Forks:

No later than June 1, 2015, Hugo's Family Marketplace Grafton and Hugo's Family Marketplace Grand Forks shall comply with applicable stationary RICE requirements found at 40 C.F.R. Part 63 for the Volvo Penta D500 engine, serial #2016006823 and the Mitsubishi LSA491S2 engine, serial # FC91146/1 respectively.

REPORTING REQUIREMENTS

16. Pursuant to the October 23, 2013, Extension of Compliance issued by the EPA (Attachment A) to Hugo's Family Marketplace Grafton after installation of required controls, Hugo's Family Marketplace Grafton 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.
17. Hugo's Family Marketplace Grand Forks 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

18. 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.
19. 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 value which any person received by not complying with the CAA.
20. 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.
21. Hugo's Family Marketplace Grafton and Hugo's Family Marketplace Grand Forks may seek federal judicial review of the Order pursuant to section 307(b)(1) of the CAA, 42 U.S.C. § 7607(b)(1).

OPPORTUNITY FOR CONFERENCE

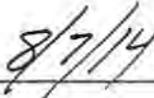
22. In accordance with section 113(a)(4) of the CAA, 42 U.S.C. § 7413(a)(4), the EPA is offering Hugo's Family Marketplace Grafton and Hugo's Family Marketplace Grand Forks an opportunity for a conference to discuss the Order. The request for such a conference must be made no later than fifteen (15) calendar days from the date Hugo's Family Marketplace Grafton and Hugo's Family Marketplace Grand Forks receives this Order. If Hugo's Family Marketplace Grafton and/or Hugo's Family Marketplace Grand Forks wishes to make arrangements for a conference, please contact David Rochlin, Enforcement Attorney, U.S. EPA Region 8, 1595 Wynkoop Street, Denver, Colorado 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:



Suzanne J. Bohan
Acting Assistant Regional Administrator
Office of Enforcement, Compliance
and Environmental Justice

Date:



8/7/14

ATTACHMENT A



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
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OCT 17 2013

Ref: 8ENF-AT

Francis Ricard
Store Director
Hugo's Family Marketplace
155 East 12th Street
Grafton, North Dakota 58237

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 Mr. Ricard:

This is in response to an email on September 19, 2013, from Cummins NPower on behalf of Hugo's Family Marketplace (Hugo's). Hugo's 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 is May 3, 2013. Hugo's has requested a twelve month 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, Hugo's shall install an oxidation catalyst, continuous parameter monitoring system and crankcase ventilation system to comply with the emission limits of MACT ZZZZ. Sanford Health expects to begin installation of the control equipment on August 26, 2013 and complete installation by August 31, 2013. Due to the extension, Hugo's 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
4/20/2013	Planned control equipment install date
4/25/2013	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.