



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

MAR 30 2007

REPLY TO THE ATTENTION OF:

(AE-17J)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Robert A. Fenech
Senior Vice President
Consumers Energy
212 W. Michigan Ave
Jackson, Michigan 49201

Re: Finding of Violation and Notice of Violation at Consumers Energy,
J.H. Campbell Plant, West Olive, Michigan
B.C. Cobb Plant, Muskegon, Michigan
D.E. Karn Plant, Essexville, Michigan
J.C. Weadock Plant, Essexville, Michigan
J.R. Whiting Plant, Erie, Michigan

Dear Mr. Fenech:

This letter advises you that the United States Environmental Protection Agency (U.S.EPA or we) has determined the following Consumers Energy facilities are in violation of the Clean Air Act (CAA) and the associated State or local air pollution control limits.

J.H. Campbell Plant, 17000 Croswell, West Olive, MI
B.C. Cobb Plant, 151 N. Causeway Drive, Muskegon, MI
D.E. Karn Plant, 2742 & 2680 Weadock Highway, Essexville, MI
J.C. Weadock Plant, 2555 N. Weadock in Essexville, MI
J.R. Whiting Plant, 4525 East Erie Road, Erie, MI

We provide a list of the requirements violated below. We are today issuing to you a Finding of Violation and Notice of Violation (FOV/NOV).

The CAA requires the development of Primary and Secondary National Ambient Air Quality Standards to protect public health and welfare. To attain and maintain these standards, the CAA requires each State to develop an implementation plan.

Michigan's State Implementation Plan (Michigan SIP) includes a limit for visible emissions at R336.1301(1), as follows: A person shall not cause or permit visible emissions from a process or process equipment in excess of 20% opacity as a six minute average, except for one 6-minute average per hour of not more than 27% opacity. The purpose of this visible emission limit is to help protect the public from unhealthy exposures to particulate. Particulate emissions, especially fine particulate, contribute to respiratory problems, lung damage and premature deaths.

The visible emissions requirements of the Michigan SIP are incorporated into the Renewable Operating Permits (Title V Permits) for the following Consumers Energy facilities: J.H. Campbell Plant, B.C. Cobb Plant, Karn Weadock Plant and J.R. Whiting Plant.

U.S. EPA finds that these Consumers Energy facilities have violated the above listed Michigan SIP requirement as incorporated into each facility's respective Title V permit. Because Consumers Energy violated its Title V permits, it has also violated Title V of the CAA and its associated regulations which require compliance with the terms and conditions of Title V permits. Additionally, in violating the Michigan SIP visible emissions limits, you have violated Title I of the CAA and its implementing regulations, which require compliance with the terms and conditions of the Michigan SIP.

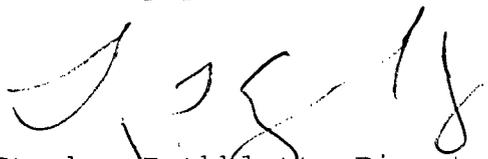
The JH Campbell Consumers Energy facility has also violated the New Source Performance Standards (NSPS) for Fossil-Fuel Fired Steam Generators for which construction is Commenced After August, 17, 1971 at 40 C.F.R. Part 60, Subpart D and its Permit to Install conditions in Permit #337-01 established in accordance with R336.1201 of the Michigan SIP.

Section 113 of the CAA gives us several enforcement options to resolve these violations, including: issuing an administrative compliance order, issuing an administrative penalty order, bringing a judicial civil action, and bringing a judicial criminal action. The option we select, in part, depends on the efforts taken by Consumers Energy to correct the alleged violations and the timeframe in which you can demonstrate and maintain continuous compliance with the requirements cited in the FOV/NOV.

Section 113 of the CAA provides you with the opportunity to request a conference with us about the violations alleged in the FOV/NOV. This conference will provide you a chance to present information on the identified violations, any efforts you have taken to comply, and the steps you will take to prevent future violations before we decide which enforcement option is appropriate. Please plan for your facility's technical and management personnel to take part in these discussions. You may have an attorney represent and accompany you at this conference.

The U.S. EPA contact in this matter is Tanya Hurlburt. You may call her at (312)353-4145 if you wish to request a conference. U.S. EPA hopes that this FOV/NOV will encourage Consumers Energy's compliance with the requirements of the Clean Air Act.

Sincerely yours,

A handwritten signature in black ink, appearing to read "S. Rothblatt".

ACTING

Stephen Rothblatt, Director
Air and Radiation Division

Enclosure

cc: Tom Hess
Michigan Department of Environmental Quality

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:) NOTICE OF VIOLATION and
) FINDING OF VIOLATION
Consumers Energy:)
) EPA-5-07-MI-06
J.H. Campbell Plant, West Olive,)
Michigan)
B.C. Cobb Plant, Muskegon,)
Michigan)
D.E. Karn Plant, Essexville,)
Michigan)
J.C. Weadock Plant, Essexville,)
Michigan)
J.R. Whiting Plant, Erie,)
Michigan)
)
Proceedings Pursuant to the)
Clean Air Act,)
42 U.S.C. §§ 7401 et seq.)

NOTICE AND FINDING OF VIOLATION

Consumers Energy ("you") owns and operates boilers at power plants located at:

J.H. Campbell Plant, 17000 Crowell, West Olive, Michigan
B.C. Cobb Plant, 151 N. Causeway Dr., Muskegon, Michigan
D.E. Karn Plant, 2742 Weadock Highway, Essexville, Michigan
J.C. Weadock Plant, 2555 N. Weadock Highway, Essexville,
Michigan
J.R. Whiting Plant, 4525 East Erie Road, Erie, Michigan 48133

The emissions units are identified as:

J.H. Campbell Plant Boilers #1, #2, and #3
B.C. Cobb Plant Boilers #4 and #5
D.E. Karn Plant Boilers #1, #2, #3 and #4
J.C. Weadock Plant Boilers #7 and #8
J.R. Whiting Plant Boilers #1, #2, and #3

U.S. EPA is sending this Notice of Violation and Finding of Violation ("NOV/FOV" or "Notice") to you for opacity violations from these boilers in excess of the allowable opacity limits specified in your Title V permit and the underlying statutory and regulatory requirements. The underlying statutory and

regulatory requirements include provisions of the Clean Air Act (the "Act" or "CAA"), its implementing regulations, the Michigan State Implementation Plan ("Michigan SIP") and the Permit to Install #337-01, issued on May 20, 2002 to the J.H. Campbell Plant.

Section 113 of the Act provides you with the opportunity to request a conference with us to discuss the violations alleged in the NOV/NOV. This conference will provide you a chance to present information on the identified violations, any efforts you have taken to comply, and the steps you will take to prevent future violations. Please plan for the Consumers Energy technical and management personnel to take part in these discussions. You may have an attorney represent and accompany you at this conference.

Explanation of Violations

1. The following permits and permit conditions relevant to this NOV/FOV are as follows:

- a. On August 1, 2005, Michigan Department of Environmental Quality ("MDEQ") issued a Renewable Operating Permit (Title V Permit) #MI-ROP-B2835-2005 to the Consumers Energy Company J.H. Campbell Plant.
- b. On May 20, 2000, MDEQ issued PTI # 337-01 to Consumers Energy Company J.H. Campbell Plant.
- c. On December 20, 2004, MDEQ issued a Renewable Operating Permit (Title V Permit) #MI-ROP-B2846-2004 to the B.C. Cobb Electric Generating Station.
- d. On May 2, 2000, MDEQ issued a Renewable Operating Permit (Title V Permit) #199600477 to the Karn Weadock facility.
- e. On February 12, 2001, MDEQ issued Renewable Operating Permit (Title V Permit) #199600133 to the Consumers energy J.R. Whiting Plant. Permit #199600133 expired January 1, 2005. MDEQ issued Renewable Operating Permit (Title V Permit) #MI-ROP-B2846-2206 to the Consumers energy J.R. Whiting Plant which became effective June 2, 2006.
- f. The Renewable Operating Permits incorporate the Michigan SIP rule 336.1301(1) and establish conditions prohibiting a person from discharging into the outer air from a process or process equipment a visible emission of a density

(opacity) greater than a 6-minute average of 20% opacity, except for one 6-minute average per hour of not more than 27% opacity.

g. The PTI for the J.H. Campbell facility incorporates the Michigan SIP rule 336.1301(1) which prohibits a person from discharging into the outer air from a process or process equipment a visible emission of a density (opacity) greater than a 6-minute average of 20% opacity, except for one 6-minute average per hour of not more than 27% opacity. The PTI also incorporates 40 C.F.R. Part 60, Subpart D which prohibits an affected facility from exhibiting greater than 20% opacity except for one-six minute period per hour of not more than 27% opacity.

2. Based on an evaluation of the excess emissions reports submitted by Consumers Energy to MDEQ for the 2004 and 2005 calendar years, U.S. EPA has determined the following boilers exceeded the opacity limits identified in its Title V permit and the Michigan SIP for the identified minutes during the 2004 and 2005 calendar years. A summary of quarterly breakdowns is provided as Attachment A:

Table 1: Total Minutes of Excess Opacity for 2004-5

Years	Unit ID	Total Minutes of Excess Opacity
2004-2005	J.H. Campbell: Boilers #1 & 2	5,940
2004-2005	J.H. Campbell: Boiler #3	2,376
2004-2005	B.C. Cobb: Boilers #4 & 5	9,198
2004-2005	D.E. Karn: Boiler #1	4,770
2004-2005	D.E. Karn: Boiler #2	2,460
2004-2005	D.E. Karn: Boiler #3 & 4	4,380
2004-2005	J.C. Weadock: Boilers #7 & 8	14,346
2004-2005	J.R. Whiting: Boiler #1	2,922
2004-2005	J.R. Whiting: Boiler #2	4,806
2004-2005	J.R. Whiting: Boiler #3	1,752

3. Consumer Energy's excess opacity emissions from the boilers in Table 1, during calendar years 2004 and 2005, are violations of the opacity limits in the general conditions of its Title V Permits, Section 502(a) of the CAA, 42 U.S.C. § 7661a, and applicable regulations at 40 CFR § 70.7.

4. Consumers Energy's excess opacity emissions from the boilers in Table 1, during calendar years 2004 and 2005 are violations of the opacity limits in the Michigan SIP at R336-1301.

Attachment A

J.H. Campbell Plant, West Olive, Michigan

Quarter/ Year	Boiler #1 & #2 Opacity Exceedences Minutes	Boiler #3 Opacity Exceedences Minutes
1 st Quarter 2004	1002	510
2 nd Quarter 2004	168	12
3 rd Quarter 2004	24	120
4 th Quarter 2004	240	480
1 st Quarter 2005	1488	330
2 nd Quarter 2005	186	54
3 rd Quarter 2005	102	192
4 th Quarter 2005	354	678
Total minutes of exceedences for 2004 and 2005	3,564	2,376
Total for boilers #1, 2, 3	5940	

B.C. Cobb Plant, Erie, Michigan

Quarter/ Year	Boilers #4 and #5 Opacity Exceedences Minutes
1 st Quarter 2004	1140
2 nd Quarter 2004	1008
3 rd Quarter 2004	444
4 th Quarter 2004	1098
1 st Quarter 2005	1572
2 nd Quarter 2005	534
3 rd Quarter 2005	2742
4 th Quarter 2005	660
Total minutes of exceedences for 2004 and 2005	9,198

D.E. Karn Plant, Essexville, Michigan

Quarter/ Year	Boiler #1 Opacity Exceedences Minutes	Boiler #2 Opacity Exceedences Minutes	Boiler #3 & #4 Opacity Exceedences Minutes
1 st Quarter 2004	708	198	846
2 nd Quarter 2004	1434	696	546
3 rd Quarter 2004	540	90	792
4 th Quarter 2004	516	402	312
1 st Quarter 2005	126	282	702
2 nd Quarter 2005	438	144	774
3 rd Quarter 2005	288	402	
4 th Quarter 2005	720	246	408
Total minutes of exceedences for 2004 and 2005	4,770	2,460	4380
Total	11,610		

J.C. Weadock Plant, Essexville, Michigan

Quarter/ Year	Boilers #7 and #8 Opacity Exceedences Minutes
1 st Quarter 2004	1020
2 nd Quarter 2004	1926
3 rd Quarter 2004	2952
4 th Quarter 2004	1842
1 st Quarter 2005	1488
2 nd Quarter 2005	1782
3 rd Quarter 2005	1830
4 th Quarter 2005	1506
Total minutes of exceedences for 2004 and 2005	14,346

J.R. Whiting Plant, Erie, Michigan

Quarter/ Year	Boilers #1 Opacity Exceedences Minutes	Boiler #2 Opacity Exceedences Minutes	Boilers #3 Opacity Exceedences Minutes
1 st Quarter 2004	540	426	102
2 nd Quarter 2004	414	642	318
3 rd Quarter 2004	252	768	510
4 th Quarter 2004	408	432	24
1 st Quarter 2005	402	528	690
2 nd Quarter 2005	438	618	36
3 rd Quarter 2005	138	366	36
4 th Quarter 2005	330	1026	36
Total minutes of exceedences for 2004 and 2005	2,922	4,806	1,752
Total	9,480		

CERTIFICATE OF MAILING

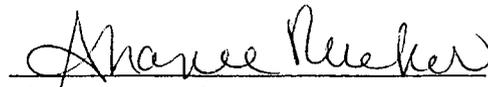
I, Shanee Rucker, certify that I sent a Notice and Finding of Violation, No. EPA-5-07-MI-06, by Certified Mail, Return Receipt Requested, to:

Robert A. Fenech
Senior Vice President
Consumers Energy
212 West Michigan Avenue
Jackson, Michigan 49201

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

Tom Hess
Michigan Department of Environmental Quality
Air Quality Division
P.O. Box 302
Lansing, MI 48909

on the 30 day of March, 2007.


Shanee Rucker, Secretary
AECAS, (MI/WI)

CERTIFIED MAIL RECEIPT NUMBER: 7001 03200006 0198 8652