

United States Environmental Protection Agency
Region 5

IN THE MATTER OF:)
)
Southwestern Electric) FINDING OF VIOLATION
Cooperative, Inc.)
Freedom Power Station) EPA-5-02-19-IL
St. Elmo, Illinois)
)
)
Proceedings Pursuant to)
the Clean Air Act,)
42 U.S.C. §§ 7401 et seq.

FINDING OF VIOLATION

The United States Environmental Protection Agency finds that Southwestern Electric Cooperative, Inc., Freedom Power Station (Southwestern) is violating Sections 301 and 401 *et seq.* of the Clean Air Act, 42 U.S.C. §§ 7601 and 7651 *et seq.* Specifically, Southwestern is violating the Acid Rain Program provisions at 40 C.F.R. parts 72 and 75 as follows:

Regulatory Authority

1. Pursuant to Title IV of the Act, 42 U.S.C. § 7401, *et seq.*, as amended by Public Law 101-549 (November 15, 1990), the Administrator of the U.S. EPA established certain general provisions and operating permit program requirements for affected sources and affected units under the Acid Rain Program at 40 C.F.R. Part 72.
2. Pursuant to Section 412 of the Act, 42 U.S.C. § 7651k, as amended by Public Law 101-549 (November 15, 1990), the Administrator established requirements for the monitoring, record keeping, and reporting of sulfur dioxide, nitrogen oxide, and carbon dioxide emissions, volumetric flow, and opacity under the Acid Rain Program at 40 C.F.R. Part 75.
3. The Acid Rain Program provisions at 40 C.F.R. Parts 72 and 75 apply to any source that includes an affected unit, including a utility unit.
4. 40 C.F.R. § 75.62 requires the designated representative for an affected unit to submit a complete, electronic, up-to-date monitoring plan file to the administrator no later than 45 days

prior to the initial certification test and in each electronic quarterly report.

5. 40 C.F.R. § 75.63 requires the designated representative for an affected unit to submit applications and reports as required by 40 C.F.R. § 75.63 within 45 days after completing all initial certification tests.

6. 40 C.F.R. § 75.64 requires the designated representative for an affected unit to electronically report the data set forth in 40 C.F.R. §75.64 to the Administrator on a quarterly basis, beginning with the data from the calendar quarter corresponding to the deadline for initial certification set forth in 40 C.F.R. § 75.4(b)(2).

Factual Background

7. Southwestern owns and operates one simple cycle combustion turbine (turbine) at its Freedom Power Station located at State Road 4 in St. Elmo, Illinois.

8. The turbine has a rated capacity of approximately 47 megawatts, and is primarily fueled by "pipeline natural gas" as defined in 40 C.F.R. § 72.2.

9. The turbine began commercial operation on June 1, 2000.

10. The turbine is a utility unit as defined by 42 U.S.C. § 7651a and 40 C.F.R. § 72.2.

11. The turbine is an affected unit as defined by 42 U.S.C. § 7651a and 40 C.F.R. § 72.2 and as set forth at 40 C.F.R. § 72.6(a)(3)(i).

12. As an affected unit, Southwestern is subject to 40 C.F.R. Parts 72 and 75.

13. Southwestern was required to submit a monitoring plan to the Administrator on or about 45 days after its commenced operation of its turbine on June 1, 2000 and in each quarterly report thereafter pursuant to 40 C.F.R. §§ 75.62 and 75.64.

14. Southwestern was required to submit applications and reports as required by 40 C.F.R. § 75.63 on or about October 15, 2000.

15. Southwestern was required to submit quarterly reports to the Administrator on or about October 30, 2000 and quarterly thereafter pursuant to 40 C.F.R. § 75.64.

16. To date Southwestern has failed to submit monitoring plans to the Administrator in accordance with 40 C.F.R. §§ 75.62 and 75.64.

17. To date Southwestern has failed to submit all applications and reports in accordance with 40 C.F.R. § 75.63.

18. To date Southwestern has failed to submit quarterly reports to the Administrator in accordance with 40 C.F.R. § 75.64.

Violations

19. Southwestern's failure to submit a monitoring plan, in accordance with 40 C.F.R. § 75.62, on or about July 15, 2000 and in each and every quarterly report thereafter, constitutes violations of 40 C.F.R §§ 75.62.

20. Southwestern's failure to submit all applications and reports, in accordance with 40 C.F.R. § 75.63, on or about October 15, 2000 constitutes a violation of 40 C.F.R. § 75.63.

21. Southwestern's failure to submit quarterly reports in accordance with 40 C.F.R. § 75.64, on or about October 30, 2000 and quarterly thereafter, constitutes violations of 40 C.F.R. § 75.64. Each failure to submit each required quarterly report constitutes a separate violation.

5/21/2002
Date



Stephen Rothblatt, Acting Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Betty Williams, certify that I sent a Finding of Violation, EPA-5-02-19-IL, by Certified Mail, Return Receipt Requested, to:

H.L. "Lou" Drenner, General Manager
Southwestern Electric Cooperative, Inc.
Freedom Power Station
State Road 4
St. Elmo, Illinois 62458

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

Julie Armitage, Acting Manager
Compliance and Enforcement Section, Bureau of Air
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62702

on the 22 day of August, 2002.


Betty Williams, Secretary
AECAS, (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: 10993400 0000 4595 2682