

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:)
)
Southern Indiana Gas) NOTICE OF VIOLATION
and Electric Company)
) EPA-5-00-IN-16
)
Proceedings Pursuant to)
Section 113(a)(1) of the)
Clean Air Act, 42 U.S.C.)
§ 7413(a)(1))

NOTICE OF VIOLATION

The Administrator of the United States Environmental Protection Agency (U.S. EPA) is issuing this Notice of Violation under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1). U.S. EPA finds that the Southern Indiana Gas and Electric Company (SIGECO) is violating the Indiana State Implementation Plan (SIP), as follows:

Statutory and Regulatory Background

1. On June 17, 1987, under Section 110 of the Clean Air Act, 42 U.S.C. §7410, U.S. EPA approved visible emissions regulation 325 IAC 5-1 as part of the federally enforceable SIP for Indiana. 52 Fed. Reg. 23032. U.S. EPA approved the recodification of this rule as 326 IAC 5-1 on June 15, 1995. 60 Fed. Reg. 31412. U.S. EPA also approved minor revisions to 326 IAC 5-1 on April 16, 1997. 62 Fed. Reg. 18523.
2. 326 IAC 5-1 prohibits the discharge of visible emissions in excess of 40 percent opacity in 24 consecutive readings from any subject source or facility located in an attainment area for particulate matter

SIEGCO's Culley Station

3. SIGECO owns and operates three coal-fired boilers at its F.B. Culley Station, located in Yankeetown, Warrick County, Indiana. These boilers are designated as Units 1, 2 and 3.

Units 2 and 3 have a common scrubber stack.

- 4. Emissions from SIGECO Units 1, 2 and 3 are subject to the visible emissions limits in 326 IAC 5-1 of the Indiana SIP.

Violations

- 5. On April 6 and 7, 1999, U.S. EPA representatives conducted visible emissions observations at the combined scrubber stack for SIGECO Units 2 and 3, using the procedures specified in 326 IAC 5-1-4 and U.S. EPA Method 9. During these observations, the emissions at the combined scrubber stack for Units 2 and 3 exceeded an average of 40 percent opacity in 24 consecutive readings, as summarized below, in violation of the visible emissions limit in 326 IAC 5-1 of the Indiana SIP. U.S. EPA alleges that these violations are continuing until such time as SIGECO provides visible emission observations conducted in accordance with 326 IAC 5-1-4 and U.S. EPA Method 9 demonstrating that these sources have returned to continuous compliance.

April 6, 1999 On five (5) separate occasions, exceeded an average of forty percent (40) opacity in twenty-four (24) consecutive readings.

April 7, 1999 On two (2) separate occasions, exceeded an average of forty percent (40) opacity in twenty-four (24) consecutive readings.

3-20-00

Date



Bharat Mathur, Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Betty Williams, certify that I sent a Notice of Violation, No. EPA-5-00-IN-16, by Certified Mail, Return Receipt Requested, to:

Mr. Eric M. Robeson, P.E.
Plant Manager, Culley Power Plant
Southern Indiana Gas and Electric Company
P.O. Box 569
Evansville, IN 47741-0001

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

David P. McIver, Chief
Office of Enforcement
Indiana Department of Environmental Management
100 North Senate Avenue
P.O. Box 6015
Indianapolis, IN 46206-6015

Angila M. Retherford, Esq.
Bamberger, Foreman, Oswald and Hahn (SIGECO Counsel)
P.O. Box 657
Evansville, IN 47704

on the 21st day of March 2000.


Betty Williams, Secretary
AECAS, (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: 2199026396