



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

MAY 05 2006

REPLY TO THE ATTENTION OF  
(AE-17J)

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Ms. Melanie McCoy, General Manager  
City of Wyandotte Municipal Power Plant  
3005 Biddle Avenue  
P.O. Box 658  
Wyandotte, Michigan 48192-0658

Re: Finding of Violation and Notice of Violation  
City of Wyandotte Municipal Power Plant  
Wyandotte, Michigan

Dear Ms. Melanie McCoy:

The United States Environmental Protection Agency (U.S. EPA) is issuing the enclosed Finding of Violation (FOV) and Notice of Violation (NOV) to the City of Wyandotte Municipal Power Plant, located in Wyandotte, Michigan (you). We find you have violated the following at your Wyandotte, Michigan facility:

1. Section 111(e) of the Clean Air Act (CAA), 42 U.S.C. § 7411(e), and applicable regulations at 40 C.F.R. § 60.40 et seq.;
2. Part C of the CAA, 42 U.S.C. § 7470 et seq., and applicable regulations at 40 C.F.R. § 52.21;
3. Title V, Section 502(a) of the CAA, 42 U.S.C. § 7661a(a), and applicable regulations at 40 C.F.R. § 70.7(b);
4. Construction permit conditions established in accordance with R336.1201 of the Michigan State Implementation Plan (Michigan SIP); and
5. Visible emissions provisions contained in R336.1301 of the Michigan SIP.

Sections 113(a)(1) and 113(a)(3) of the Clean Air Act give us several enforcement options. These options include issuing an administrative compliance order, an administrative penalty order, and/or bringing a judicial civil or criminal action. The options we select may depend on, among other things, the length of time you take to achieve and demonstrate continuous compliance with the rules cited in the FOV and NOV.

We are offering you an opportunity to confer with us about the violations alleged in the FOV and NOV. The conference will give you the opportunity to present information on the specific findings of violation, the efforts you have taken to comply, and the steps you will take to prevent future violations.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The U.S. EPA contact in this matter is Mr. Kevin Vuilleumier. You may call him at (312) 886-6188 to request a conference. You should make the request as soon as possible, but no later than 10 calendar days after you receive this letter. We should hold any conference within 30 calendar days of your receipt of this letter.

Sincerely,



*for* Cheryl Newton, Acting Director  
Air and Radiation Division

Enclosures

cc: Mr. Thomas Hess, MDEQ  
Ms. Teresa Seidel, MDEQ

United States Environmental Protection Agency  
Region 5

IN THE MATTER OF:	)	
	)	
City of Wyandotte Municipal Power Plant Wyandotte, Michigan	)	NOTICE OF VIOLATION and FINDING OF VIOLATION
	)	EPA-5-06-MI-05
	)	
Proceedings Pursuant to the Clean Air Act, 42 U.S.C. §§ 7401 et seq.	)	

**NOTICE AND FINDING OF VIOLATION**

The United States Environmental Protection Agency (U.S. EPA) finds that the City of Wyandotte Municipal Power Plant is violating the following:

1. Section 111(e) of the Clean Air Act (CAA), 42 U.S.C. § 7411(e) and 40 CFR § 60.40 et seq.;
2. Section 165 of the CAA, 42 U.S.C. § 7475, and 40 CFR § 52.21;
3. Section 502(a) of the CAA, 42 U.S.C. § 7661a(a), and 40 CFR § 70.7(b);
4. R336.1201 of the Michigan State Implementation Plan (Michigan SIP); and
5. R336-1301 of the Michigan SIP.

**Regulatory Authority**

Standards of Performance for New Sources

6. Section 111(e) of the CAA, 42 U.S.C. § 7411(e), states that, after the effective date of standards of performance promulgated under Section 111, it is unlawful for any owner or operator of any new source to operate the source in violation of any applicable standard of performance.

14. U.S. EPA incorporated, by reference, the requirements of 40 CFR § 52.21(b) through (w) into the Michigan SIP on February 7, 1980. 40 C.F.R. § 52.1180.

15. R336-1201 states, among other things, a person shall not construct, reconstruct, or install any process which may be a source of an air contaminant, until a permit to install is issued by the commission. An application for a permit to install may be approved subject to any condition, specified in writing, necessary to assure compliance with applicable regulations.

16. U.S. EPA approved R336-1201 as part of the federally enforceable SIP for Michigan on May 6, 1980. 45 FR 29790.

17. R336-1301 states that, among other things, a person shall not cause or permit to be discharged into the outer air visible emissions in excess of a limit specified as a condition of a permit to install or permit to operate [R336-1301(c)(1)].

18. U.S. EPA approved R336-1301 as part of the federally enforceable SIP for Michigan on June 11, 1992. The rule became effective on July 13, 1992. 57 FR 24752.

#### Enforcement

19. Section 113(a)(1-3) of the CAA, 42. U.S.C. § 7413(a)(1-3), authorizes the Administrator to initiate an enforcement action whenever, on the basis of any available information, the Administrator finds that any person has violated or is in violation of a requirement or prohibition of, among others, any implementation plan or permit, Title I or Title V of the CAA, or any rule promulgated, issued or approved under Title I or Title V of the CAA.

20. 40 CFR § 52.23 states that, among other things, failure to comply with any provisions of this part, any approved regulatory provision of a State implementation plan, any permit condition, or with any permit limitation or condition contained within an operating permit, renders the person or governmental entity so failing to comply in violation of a requirement and subject to enforcement action under Section 113 of the CAA.

7. 40 CFR § 60.40 et seq. establishes, among other things, emission limitations for particulate matter, opacity, sulfur dioxide and nitrogen oxides which apply to certain fossil fuel fired steam generating units.

8. 40 CFR § 60.40a et seq. establishes, among other things, emission limitations for particulate matter, opacity, sulfur dioxide and nitrogen oxides which apply to certain electric utility steam generating units.

#### Title V

9. Section 502(a) of the CAA, 42 U.S.C. § 7661a(a), states that, after the effective date of any permit program approved or promulgated under Title V of the CAA, no source subject to Title V may operate the source except in compliance with its Title V permit.

10. U.S. EPA granted full approval to the Michigan Title V operating permit program on December 4, 2001 [66 FR 62949]. The program became effective on November 30, 2001.

11. 40 C.F.R. § 70.7(b) states that, no source subject to Title V may operate the source except in compliance with a Title V permit.

#### Michigan SIP

12. Section 165(a)(1) of the CAA, 42 U.S.C. § 7475(a)(1), states that, a facility shall comply with emission limitations within permits issued under, and conforming with, the requirements of Part C.

13. 40 C.F.R. § 52.21 prohibits the construction of a major stationary source or major modification unless the source receives a construction permit (i.e., permit to install) that includes specific requirements, including meeting each applicable limitation under the State Implementation Plan and each applicable standard of performance under 40 C.F.R. Parts 60 and 61 [40 C.F.R. § 52.21(j)].

### **City of Wyandotte Municipal Power Plant's operations**

21. The City of Wyandotte Municipal Power Plant (Wyandotte) owns and operates three coal-fired boilers at 2555 VanAlstyne in Wyandotte, Michigan 48192. These include boilers #7 and #8.

22. Boiler #7 is located at a major source of air emissions, subject to the requirements of Title V, Section 502(a) of the CAA and 40 C.F.R. § 70.7. The boiler is subject to 40 C.F.R. § 60.40 et seq., as promulgated in accordance with Section 111 of the CAA.

23. Boiler #8 is located at a major source of air emissions, subject to the requirements of Title V, Section 502(a) of the CAA and 40 C.F.R. § 70.7. The boiler is subject to 40 C.F.R. § 60.40a et seq.; is a major source under Section 165 of the CAA and 40 C.F.R. § 52.21, as incorporated into the Michigan SIP; and is subject to R336.1301(1)(c) of the Michigan SIP. The source was issued a permit to install for Boiler #8 in accordance with R336.1201(3) of the Michigan SIP.

24. The Michigan Department of Environmental Quality issued a final Title V permit numbered 199600303 to Wyandotte on November 3, 2003, with revisions on June 1, 2004.

25. Part E of Wyandotte's Title V permit establishes emission limits, permit conditions and other requirements on Wyandotte's boilers #7 and #8. These include the following:

- a. Boiler #7:
  - i. Opacity: 20 percent (6-minute average)
  - ii. NO<sub>x</sub>: 0.70 lbs-NO<sub>x</sub>/MMBtu (3-hour average)
  - iii. SO<sub>2</sub>: 1.20 lbs-SO<sub>2</sub>/MMBtu (3-hour average)
  
- b. Boiler #8:
  - i. Opacity: 10 percent (6-minute average)
  - ii. NO<sub>x</sub>: 0.40 lbs-NO<sub>x</sub>/MMBtu (1-hour average)
  - iii. SO<sub>2</sub>: 0.496 lbs-SO<sub>2</sub>/MMBtu (1-hour average)
  - iv. CO: 0.24 lbs-CO/MMBtu (1-hour average)

## Violations

26. **ATTACHMENT A**, Table 1 to this notice provides a summary of excess emissions reported by Wyandotte as required by applicable regulations and its Title V permit.

27. Boiler #7

a. Wyandotte reported a total of 26,460 minutes of opacity excess emissions, 6,900 minutes of NO<sub>x</sub> excess emissions and 975 minutes of SO<sub>2</sub> excess emissions, in its quarterly excess emission reports for 2004 and 2005 for boiler #7.

b. Wyandotte failed to maintain continuous compliance with applicable opacity, NO<sub>x</sub> and SO<sub>2</sub> emission limits at boiler #7 during, at least, calendar years 2004 and 2005, as required by its Title V permit; Title V, Section 502(a) of the CAA; 40 CFR § 70.7; and 40 CFR § 60.40.

i. Failure to maintain compliance with the 20 percent emission limit for opacity, established in Wyandotte's Title V permit, is a violation of Wyandotte's Title V permit; Title V, Section 502(a) of the CAA, 40 CFR § 70.7, and 40 CFR § 60.40(a)(2).

ii. Failure to maintain compliance with the 0.70 lb-NO<sub>x</sub>/MMBtu mission limit for NO<sub>x</sub>, established in Wyandotte's Title V permit, is a violation of Wyandotte's Title V permit; Title V, Section 502(a) of the CAA, 40 CFR § 70.7, and 40 CFR § 60.44(a)(3).

iii. Failure to maintain compliance with the 1.20 lb-SO<sub>2</sub>/MMBtu emission limit for SO<sub>2</sub>, established in Wyandotte's Title V permit, is a violation of Wyandotte's Title V permit; Title V, Section 502(a) of the CAA, 40 CFR § 70.7, and 40 CFR § 60.43(a)(2).

28. Boiler #8

a. Wyandotte reported a total of 15,101 minutes of opacity excess emissions, 2,631 minutes of NO<sub>x</sub> excess emissions, 47,335 minutes of SO<sub>2</sub> excess emissions, and 29,073 minutes of CO excess emissions, in its quarterly reports for 2004 and 2005 for boiler #8.

b. Wyandotte failed to maintain continuous compliance with applicable opacity, NO<sub>x</sub>, SO<sub>2</sub> and CO emission limits at boiler #8 during, at least, calendar years 2004 and 2005, as required by its Title V permit; Title V, Section 502(a) of the CAA; 40 CFR § 70.7; 40 CFR § 52.21; and the Michigan SIP.

i. Failure to maintain compliance with the 10 percent emission limit for opacity, established in Wyandotte's Title V permit, is a violation of Wyandotte's Title V permit; Title V, Section 502(a) of the CAA; 40 CFR § 70.7; 40 CFR 52.21(j)(1); and R336-1301.

ii. Failure to maintain compliance with the 0.40 lb-NO<sub>x</sub>/MMBtu emission limit for NO<sub>x</sub>, established in Wyandotte's Title V permit, is a violation of Wyandotte's Title V permit; Title V, Section 502(a) of the CAA; 40 CFR § 70.7; and 40 CFR § 52.21(j)(1).

iii. Failure to maintain compliance with the 0.496 lb-SO<sub>2</sub>/MMBtu emission limit for SO<sub>2</sub>, established in Wyandotte's Title V permit, is a violation of Wyandotte's Title V permit; Title V, Section 502(a) of the CAA; 40 CFR § 70.7; and 40 CFR § 52.21(j)(1).

iv. Failure to maintain compliance with the 0.24 lb-CO/MMBtu emission limit for CO, established in Wyandotte's Title V permit, is a violation of Wyandotte's Title V permit; Title V, Section 502(a) of the CAA; 40 CFR § 70.7; and 40 CFR § 52.21(j)(1).

5/5/06  
Date

*for* William L. MacDowell  
Cheryl Newton, Acting Director  
Air and Radiation Division

**CERTIFICATE OF MAILING**

I, Loretta Shaffer, certify that I sent a Notice and Finding of Violation, No. EPA-5-06-MI-05, by Certified Mail, Return Receipt Requested, to:

Ms. Melanie McCoy, General Manager  
City of Wyandotte Municipal Power Plant  
3005 Biddle Avenue  
Wyandotte, Michigan 48192

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

Thomas Hess, Unit Supervisor  
Michigan Department of Environmental Quality  
Constitution Hall, 3rd Floor North Tower  
525 West Allegan Street  
Lansing, Michigan 48933

Teresa Seidel, District Supervisor  
38980 Seven Mile Road  
Livonia, Michigan 48152

on the 5 day of MAY, 2006.

  
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Loretta Shaffer, Secretary  
AECAS, (MN/OH)  
(312) 353-5723

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0006 1447 9246

## ATTACHMENT A

City of Wyandotte Municipal Power Plant  
2004-2005, Quarterly Excess Emissions Summary for Boiler #7 and Boiler #8

**Table 1: Excess Emissions Summary by Quarter, Pollutant and Process Unit**

Unit	Quarter/year	Excess Emissions (Minutes)			
		Opacity	NOx	SO2	CO
Boiler #7	Q1-2004	2,466	120	0	N/A
	Q2-2004	2,688	1,200	540	N/A
	Q3-2004	3,306	900	0	N/A
	Q4-2004	3,018	1,440	0	N/A
	Q1-2005	7,938	960	0	N/A
	Q2-2005	2,766	660	435	N/A
	Q3-2005	2,064	0	0	N/A
	Q4-2005	2,214	1,620	0	N/A
	2-Year Total	26,460	6,900	975	N/A
Boiler #8	Q1-2004	66	0	11,352	5,794
	Q2-2004	2,316	420	7,582	6,995
	Q3-2004	1,212	120	4,380	3,420
	Q4-2004	1,829	1,431	7,875	6,291
	Q1-2005	4,044	420	10,626	4,293
	Q2-2005	2,076	240	5,520	2,280
	Q3-2005	1,374	0	0	0
	Q4-2005	2,184	0	0	0
	2-Year Total	15,101	2,631	47,335	29,073

**NOTES:**

Boiler #7: Opacity: 20 Percent (6-minute average, NSPS/Title V)  
NOx: 0.70 lbs-NOx/MMBtu (3-hour Average, NSPS/Title V)  
SO2: 1.20 lbs-SO2/MMBtu (3-hour average, NSPS/Title V)

Boiler #8: Opacity: 10 Percent (6-minute average, PSD/Title V)  
NOx: 0.40 lbs-NOx/MMBtu (1-hour average, PSD/Title V)  
SO2: 0.496 lbs-SO2/MMBtu (1-hour average, PSD/Title V)  
CO: 0.24 lbs-CO/MMBtu (1-hour average, PSD/Title V)