



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

**MAR 10 2008**

REPLY TO THE ATTENTION OF:  
AE-17J

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Ron Novotny, Chairman  
Barron County Solid Waste Management Board  
Barron County Waste to Energy Facility  
575 10 1/2 Avenue  
Almena, Wisconsin 54805-0068

Re: Finding of Violation  
Barron County Waste to Energy Facility  
Almena, Wisconsin

Dear Mr. Novotny:

This is to advise you that the U.S. Environmental Protection Agency has determined that Barron County Waste to Energy Facility (Barron County, the Facility) located in Almena, Wisconsin has violated the regulations promulgated under the Clean Air Act (CAA) and requirements of a Title V Operation Permit issued by the State of Wisconsin. The requirements violated are described below. We are today issuing to you a Finding of Violation (FOV) for these violations.

Federal Plan Requirements for Small Municipal Waste Combustion Units Constructed on or Before August 30, 1999, at 40 C.F.R., Part 62, Subpart JJJ (Subpart JJJ) were promulgated on January 31, 2003, in accordance with Section 111(d) and Section 129 of the Act. The requirements of Subpart JJJ are applicable to Barron County waste incinerators and were also incorporated in the Facility's Title V Operation Permit #603049040-PO1. The purpose of these standards is to reduce emissions of toxic air pollutants, including mercury, from small waste to energy plants and incinerators. Mercury is highly toxic and bio-accumulates, particularly in fish. Mercury exposure can cause health problems in humans and animals, including birth and developmental effects.

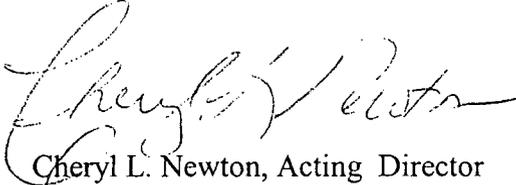
We find that you have violated the above regulations at your Almena, Wisconsin facility. Since Barron County violated its Title V permit, you have also violated Section 502 of the Act and its associated regulations which require compliance with the terms and condition of Title V permits.

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.

Section 113 of the CAA provides you with the opportunity to request a conference with us to discuss the violations alleged in the FOV. You may have an attorney present at this conference.

The EPA contact in this matter is Farro Assadi. You may call him at (312) 886-1424 if you wish 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 yours,

A handwritten signature in cursive script, appearing to read "Cheryl L. Newton".

Cheryl L. Newton, Acting Director  
Air and Radiation Division

Enclosure

cc: Neal Baudhuin, Supervisor  
Wisconsin Department of Natural Resources  
Northern Region

**United States Environmental Protection Agency  
Region 5**

**IN THE MATTER OF:** )  
 )  
Barron County Waste to Energy Facility ) **FINDING OF VIOLATION**  
Almena, Wisconsin )  
 ) **EPA-5-08-WI-04**  
Proceedings Pursuant to )  
the Clean Air Act, )  
42 U.S.C. §§ 7401 et seq. )  
 )

**FINDING OF VIOLATION**

Barron County, owns and operates two municipal waste and refuse derived fuel fired incinerators (Combustion Units) at its facility located in Almena, Wisconsin (the Facility). The Combustion Units each have a capacity to burn 40 tons per day of municipal solid waste and therefore, are affected facilities as defined at 40 C.F.R. § 62.15010(a), and subject to the Federal Plan Requirements for Small Municipal Waste Combustion Units Constructed on or Before August 30, 1999, 40 C.F.R., Part 62, Subpart JJJ (Subpart JJJ). The Facility is also subject to the Title V Operation Permit (Operation Permit, Permit) issued by the State of Wisconsin.

U.S. Environmental Protection Agency is sending this Finding of Violation (FOV) to you for violations of the Operation Permit and regulations set forth at Subpart JJJ. These violations commenced on September 6, 2006, and continued until September 27, 2007.

Section 113 of the Act provides you with the opportunity to request a conference with us to discuss the violations alleged in the FOV. This conference will provide you a chance to present information about the identified violations and any efforts you have taken to comply. You may have an attorney present at this conference.

**Explanation of Violations**

1. The permit, permit conditions and regulatory requirements relevant to this FOV are as follows:
  - a. Wisconsin Department of Natural Resources (WDNR) issued the Air Pollution Operation Permit #603049040-P01 to the Facility on April 25, 2002. The Permit contains the following requirements applicable to the Facility's Combustion Units:

i. Part I, Section A. 1. a (3) (d)(i) of the Permit states that after May 6, 2005, mercury emissions may not exceed either 0.080 milligrams per dry standard cubic meter (mg/dscm), based on 3-run average determined by stack test, or (ii), 85 percent reduction of potential mercury emissions.

b. On January 31, 2003, in accordance with Section 111(d) and Section 129 of the Act, EPA promulgated Subpart JJJ and associated Tables 1 through 9, at §§ 62.15000 - 62.15410. Subpart JJJ applies to each small municipal waste combustion unit with a capacity to combust at least 35 tons per day of municipal solid waste or refused-derived fuel, but no more than 250 tons per day of municipal solid waste or refuse-derived fuel, for which construction was commenced on or before August 30, 1999, and that is not regulated by an EPA approved and currently effective State or Tribal plan.

Table 1 of Subpart JJJ requires that all Class II Small Municipal Waste Combustion Units to achieve final compliance no later than May 6, 2005. Section 62.15410 of Subpart JJJ defines Class II units as small municipal waste combustion units that are located at municipal waste combustion plants with aggregate plant combustion capacity of less than or equal to 250 tons per day.

Subpart JJJ includes the following requirement:

i. Table 4 of Subpart JJJ specifies that the owner or operator of a subject facility must not discharge into the atmosphere from a Class II unit any gases that contain mercury in excess of 0.080 mg/dscm, corrected to 7 percent oxygen, or, 85 percent reduction of potential mercury emissions.

2. Based upon the stack test conducted during September 6-7, 2006, the gases discharged from the Combustion Units contained 0.12 mg/dscm of mercury and therefore the Facility violated the requirements of its Title V Permit and Subpart JJJ.

### **Environmental Impact of Violations**

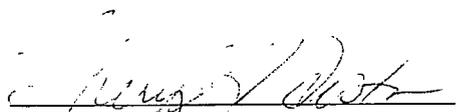
3. Violation of the mercury emission standard mentioned above could increase public exposure to unhealthy levels of elemental mercury and mercury compounds.

Mercury in the air may settle into water bodies and affect water quality. The airborne mercury can fall to the ground in raindrops, in dust, or due to gravity. After the mercury falls, it can end up in streams, lakes, or estuaries, where it can be transformed to methyl-mercury through microbial activity. Methyl-mercury accumulates in fish at levels that may harm the fish and the animals and humans that consume them.

Short-term (Acute) exposure to high levels of elemental mercury in humans results in central nervous system (CNS) effects such as tremors, mood changes, and slowed sensory and motor nerve function. Long-term (Chronic) exposure to elemental mercury in humans also affects the CNS, with effects such as increased excitability, irritability, excessive shyness, and tremors.

Acute exposure of humans to very high levels of methyl-mercury results in CNS effects such as blindness, deafness, and impaired level of consciousness. Chronic exposure to methyl mercury in humans also affects the CNS with symptoms such as blurred vision, malaise, speech difficulties, and constriction of the visual field. Methyl mercury exposure, via the oral route, has led to significant developmental effects. Infants born to women who ingested high levels of methyl-mercury exhibited mental retardation, constriction of the visual field, blindness, and cerebral palsy.

3/10/08  
Date

  
Cheryl L. Newton, Acting Director  
Air and Radiation Division

**CERTIFICATE OF MAILING**

I, Shanee Rucker, certify that I sent a Finding of Violation EPA-5-08-WI-4 , by Certified Mail,

Return Receipt Requested, to:

Ron Novotny, Chairman  
Barron County Solid Waste Management Board  
Barron County Waste to Energy Facility  
575 10 ½ Avenue  
Almena, Wisconsin 54805

I also certify that I sent copies of the Finding of

Violation by first class mail to:

Neal Baudhuin, Supervisor  
Wisconsin Department of Natural Resources  
Northern Region  
107 Sutliff Avenue  
Rhinelander, Wisconsin 54501

on the 12<sup>th</sup> day of March, 2008.



Shanee Rucker, Secretary  
AECAS, MI/WI Section

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0006 0186 0088