



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

SEP 30 2009

REPLY TO THE ATTENTION OF:
(AE-17J)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Jeff Huppert
Chief Plant Operator
Red Wing Solid Waste Boiler Facility
1873 Bench Street
Red Wing, Minnesota 55066

Re: Finding of Violation
Red Wing Solid Waste Boiler Facility, Red Wing, Minnesota

Dear Mr. Huppert:

This letter advises you that the U.S. Environmental Protection Agency (or we) has determined that the Red Wing Solid Waste Boiler Facility at 1873 Bench St., Red Wing, MN (Red Wing SWBF) has violated the Clean Air Act (CAA) and the Federal Plan Requirements for Small Municipal Waste Combustion (MWC) Units Constructed On or Before August 30, 1999 (the Small MWC FIP). We have provided below a list of the requirements violated. We are today issuing to you a Finding of Violation (FOV).

Section 129 of the CAA requires the EPA Administrator to promulgate numerical emission standards for existing solid waste incineration units including for cadmium and mercury. On January 31, 2003, EPA promulgated the Small MWC FIP to protect public health and the environment.

The Small MWC FIP includes the following requirements:

- 1) The Small MWC FIP requires the owner or operator of a Small Class II MWC to discharge into the atmosphere gases that do not contain cadmium in excess of 0.10 milligram per dry standard cubic meter corrected to 7 percent oxygen. The Red Wing SWBF's Title V permit incorporates this limit. Short-term exposure to cadmium can cause pulmonary irritation and long-term exposure can cause kidney disease. Cadmium has been classified as a probable human carcinogen by EPA.
- 2) The Small MWC FIP requires the owner or operator of a Small Class II MWC to discharge into the atmosphere gases that do not contain mercury in excess of 0.080 milligram per dry standard cubic meter corrected to 7 percent oxygen or to reduce

potential mercury emissions by 85%. The Red Wing SWBF's Title V permit incorporates this limit. Mercury is a central nervous system toxin and a kidney toxin, and has other adverse health effects.

40 C.F.R. § 60.11(d) in the General Provisions for the Standards of Performance for New Stationary Sources requires that the owner of a Small Class II MWC shall, to the extent practicable, maintain and operate a Small Class II MWC and its associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions at all times, including periods of startup, shutdown, and malfunction.

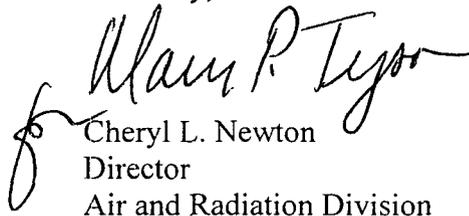
EPA finds that the Red Wing SWBF facility has violated the above listed Small MWC FIP and good air pollution control practice requirements as incorporated into the Red Wing SWBF's Title V Permit. Because the Red Wing SWBF violated its Title V permit, you have also violated Title V of the CAA and its associated regulations which require compliance with the terms and conditions of Title V permits.

Section 113 of the CAA gives EPA 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.

Before we decide which enforcement option is appropriate, Section 113 of the CAA 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 on the identified violations, any 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 take part in these discussions. You may have an attorney represent and accompany you at this conference.

The EPA contact in this matter is Virginia Palmer. You may call her at (312) 353-2089. If you wish to request a conference, you should do so within 10 days following receipt of this FOV. The parties should hold the conference within 30 days following receipt of this notice. EPA hopes that this FOV will encourage Red Wing SWBF's compliance with the requirements of the Clean Air Act.

Sincerely,


Cheryl L. Newton
Director
Air and Radiation Division

Enclosure

cc: Jeff T. Connell, Minnesota Pollution Control Agency

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)	FINDING OF VIOLATION
)	
Red Wing Solid Waste Boiler Facility)	EPA-5-09-MN-26
Red Wing, Minnesota)	
)	
Proceedings Pursuant to the Clean Air Act,)	
42 U.S.C. §§ 7401 et seq.)	

FINDING OF VIOLATION

The Red Wing Solid Waste Boiler Facility (you or the Red Wing SWBF) owns and operates a Small Class II municipal waste combustor at 1873 Bench Street, Red Wing, Minnesota.

EPA is sending this Finding of Violation (FOV) to you for: (1) violation between August 31, 2005, and January 3, 2006, of the cadmium emission standard set forth in the Federal Plan Requirements for Small Municipal Waste Combustion (MWC) Units Constructed On or Before August 30, 1999, 40 C.F.R. 62, Subpart JJJ (hereinafter, the Small MWC FIP); (2) violation between February 1 and March 8, 2006, and between May 12 and June 11, 2009, of the mercury emission standard set forth in the Small MWC FIP; and (3) violation of the good air pollution control practice requirement set forth in 40 C.F.R. § 60.11(d). The underlying statutory and regulatory requirements include provisions of the Clean Air Act (CAA), the Small MWC FIP, and the General Provisions for Standards of Performance for New Stationary Sources.

Section 113 of the CAA provides you with the opportunity to request a conference with EPA to discuss the violations alleged in the FOV. 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 Facility's 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

The following provides a description of the regulations the Red Wing SWBF violated and how the Red Wing SWBF violated them:

1. Pursuant to 40 C.F.R. § 62.15160(a), after the date the initial stack test and continuous emission monitoring system evaluation are required or completed (whichever is earlier), the owner or operator of a Small Class II MWC Unit must comply with the following emission standards for cadmium and mercury set forth at 40 C.F.R. § 62.15160(a)(2) and Table 4 of the Small MWC FIP:
 - a. For cadmium, 0.10 milligram per dry standard cubic meter corrected to 7 percent oxygen (mg/dscm @ 7% O₂).

- b. For mercury, 0.080 mg/dscm @ 7% O₂.
2. Pursuant to 40 C.F.R. § 62.15045(a) and Table 1 of the Small MWC FIP, the owner or operator of a Small Class II MWC Unit must achieve final compliance with the Small MWC FIP no later than May 6, 2005.
 3. Pursuant to 40 C.F.R. § 62.15240(a), the owner or operator of a Small Class II MWC Unit must conduct the initial stack test no later than 180 days after the final compliance date.
 4. Pursuant to 40 C.F.R. § 62.15160(a)(2), the owner or operator of a Small Class II MWC Unit must comply with the emission limits in Table 4 after the date the initial stack test and continuous emission monitoring system evaluation are required or completed (whichever is earlier).
 5. On August 31, 2005, Pace Analytical Inc. (Pace Analytical) conducted three runs of Reference Method (RM) 29 on behalf of the Red Wing SWBF. The average cadmium emission concentration during the three runs was 0.48 mg/dscm @ 7% O₂. On November 30, 2005, Pace Analytical conducted three runs of RM 29 on behalf of the Red Wing SWBF. The average cadmium emission concentration during the three runs was 0.17 mg/dscm @ 7% O₂. On January 3, 2006, Red Wing SWBF shut down because of the failed re-test. On January 25, 2006, Pace Analytical conducted three runs of RM 29 on behalf of the Red Wing SWBF. The average cadmium emission concentration during the three runs was 0.070 mg/dscm @ 7% O₂. On February 1, 2006, the Minnesota Pollution Control Agency allowed Red Wing SWBF to re-start operations.
 6. On January 25, 2006, Pace Analytical conducted three runs of RM 29 on behalf of the Red Wing SWBF. The average mercury emission concentration during the three runs was 0.097 mg/dscm @ 7% O₂. On February 14, 2006, Pace Analytical conducted three runs of RM 29 on behalf of the Red Wing SWBF. The average mercury emission concentration during the three runs was 0.258 mg/dscm @ 7% O₂. On March 9, 2006, Pace Analytical conducted three runs of RM 29 on behalf of the Red Wing SWBF. The average mercury emission concentration during the three runs was 0.0051 mg/dscm @ 7% O₂. Pace Analytical did not measure the reduction of potential mercury emissions during the January 25 and February 14, 2006, RM 29 tests.
 7. On May 12, 2009, Pace Analytical conducted three runs of RM 29 on behalf of the Red Wing SWBF. The average mercury emission concentration during the three runs was 0.410 mg/dscm @ 7% O₂. On June 12, 2009, Pace Analytical conducted three runs of RM 29 on behalf of the Red Wing SWBF. The average mercury emission concentration during the three runs was 0.0071 mg/dscm @ 7% O₂. Pace Analytical did not measure the reduction of potential mercury emissions during the May 12 and June 12, 2009, RM 29 tests.

8. Pursuant to 40 C.F.R § 62.02(b)(2), the good air pollution control practice set forth in 40 C.F.R § 60.11(d) applies to the Red Wing SWBF.
9. 40 C.F.R § 60.11(d) sets forth, in part:

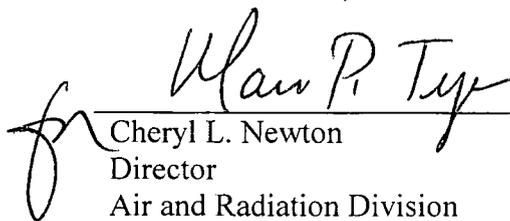
At all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions.
10. The Small MWC FIP does not include any special provisions pertaining to 40 C.F.R § 60.11(d).
11. On August 13, 2008, the Minnesota Pollution Control Agency (MPCA) received a citizen's complaint alleging that the Red Wing SWBF used its dump stack as part of its shutdown procedure. When the Red Wing SWBF opened its dump stack during shutdown, it circumvented all of its air pollution control devices. This practice increased the Red Wing SWBF's emissions of dioxins/furans, mercury, lead, cadmium, particulate matter, hydrogen chloride, and sulfur dioxide.
12. On August 14, 2008, MPCA staff spoke with the Red Wing SWBF's Chief Facility Manager who stated that it was the facility's standard practice to open the dump stack as the final step in the shutdown procedure.
13. On September 3, 2008, MPCA reminded the Red Wing SWBF that the Red Wing SWBF's Air Emission Permit states, in part, that Minnesota rule 7011.1240, subpart 7, states that a dump stack shall only be used at a waste combustor when plant or worker safety would be in jeopardy without its use. The same section of the Air Emission Permit cites 40 C.F.R § 60.11(d).
14. On September 12, 2008, the Red Wing SWBF agreed to cease routine use of the dump stack.
15. On September 3, 2009, EPA conducted an inspection of the facility. During the inspection, the Red Wing SWBF's Chief Facility Manager stated that the facility had opened the dump stack as the final step in the shutdown procedure throughout the 25 years that he had worked at the Red Wing SWBF.
16. Based upon this information, EPA concludes that prior to September 2008, the Red Wing SWBF did not maintain and operate the Red Wing SWBF in a manner consistent with good air pollution control practice for minimizing emissions during periods of shutdown in violation of 40 C.F.R § 60.11(d).

Environmental Impact of Violations

17. Violation of the cadmium and mercury standards may cause serious health effects. In particular, cadmium is a pulmonary irritant, can cause kidney disease and is a probable human carcinogen. Mercury is a central nervous system toxin and a kidney toxin, and has other adverse health effects.

Date

09/30/09


Cheryl L. Newton
Director
Air and Radiation Division

CERTIFICATE OF MAILING

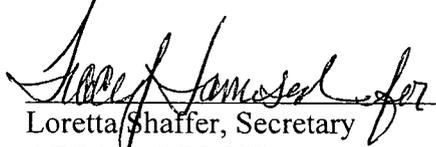
I, Loretta Shaffer, certify that I sent a Finding of Violation, No. EPA-5-09-MN-26, by Certified Mail, Return Receipt Requested, to:

Mr. Jeff Huppert
Chief Plant Operator
Red Wing Solid Waste Boiler Facility
1873 Bench Street
Red Wing, Minnesota 55066

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

Jeff T. Connell, Manager
Compliance and Enforcement Section
Industrial Division
Minnesota Pollution Control Agency
520 Lafayette Road
St. Paul, Minnesota 55155-4194

on the 30 day of September, 2009.


Loretta Shaffer, Secretary
AECAS, (MN/OH)

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0006 0293 123 7