UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

URGENT LEGAL MATTER
REQUIRES PROMPT RESPONSE

JUL 16 2015

Commanding Officer Captain Kelly A. Aeschbach
United States Navy
Naval Computer and Telecommunications
Area Master Station Atlantic
9625 Moffett Ave.
Norfolk, VA 23511-2784

Re: Clean Air Act Notice of Violation

Dear Captain Aeschbach:

The United States Environmental Protection Agency ("EPA"), is issuing this Notice of Violation ("NOV") to the United States Navy ("Navy") regarding its operation of diesel powered engines to generate electricity at the Naval Computer and Telecommunications Area Master Station Atlantic Detachment Cutler (the "Cutler facility" or the "facility") located in Cutler, Maine. The enclosed NOV describes EPA's findings that Cutler has violated and continues to violate certain Clean Air Act ("CAA") requirements. These requirements include the National Emission Standards for Hazardous Air Pollutants ("NESHAP") for Stationary Reciprocating Internal Combustion Engines found at 40 CFR Part 63, Subpart ZZZZ.

You may confer with EPA concerning this NOV and the findings contained therein. To schedule a conference, please contact Environmental Engineer, Steven Calder at (617) 918-1744, or have your legal counsel contact Senior Enforcement Counsel, John Kilborn at (617) 918-1893 within seven days of your receipt of this letter and the enclosed NOV.

Sincerely,

Susan Studlien

Susan Studlien, Director
Office of Environmental Stewardship

cc: Kurt Tidd, ME DEP

Enclosures

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I - NEW ENGLAND

IN THE MATTER OF:	)	
	)	
United States Navy	)	
Naval Computer and Telecommunications	)	
Area Master Station Atlantic,	)	**NOTICE OF VIOLATION**
Detachment Cutler	)	
	)	
Proceeding under Section 113	)	
of the Clean Air Act	)	
	)	

INTRODUCTION

1. The United States Environmental Protection Agency ("EPA"), Region 1, issues this Notice of Violation ("NOV") to the United States Navy ("Navy") regarding its operation of diesel powered engines used to generate electricity at Naval Computer and Telecommunications Area Master Station Atlantic Detachment Cutler (the "Cutler facility" or the "facility") located in Cutler, Maine.

2. This NOV contains EPA's findings that the Navy has violated and continues to violate the *National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines* ("RICE"), found at 40 CFR Part 63, Subpart ZZZZ ("Subpart ZZZZ"), at the Cutler facility.

STATUTORY AND REGULATORY BACKGROUND

3. The CAA is designed to protect and enhance the quality of the nation's air so as to promote the public health and welfare and the productive capacity of its population. See Section 101(b)(1) of the Act, 42 U.S.C. § 7401(b)(1)

4. Section 112 of the CAA, 42 U.S.C. § 7412, requires EPA to establish emission standards for categories of sources of hazardous air pollutants (HAPs). These standards are known as National Emission Standards for Hazardous Air Pollutants (NESHAPs).

5. NESHAPs are effective upon promulgation. 42 U.S.C. § 7412(d)(10). After the effective date of a NESHAP, no person shall operate a source subject to the NESHAP in violation of such NESHAP. 42 U.S.C. § 7412(i)(3).

6. The general provisions for NESHAPs are found at 40 CFR Part 63, Subpart A.

7. The HAPs emitted by facilities covered by Subpart ZZZZ include formaldehyde, acrolein, acetaldehyde and methanol.

8. Carbon monoxide ("CO") has been shown to be an appropriate surrogate for HAP emissions from stationary combustion ignition RICE engines. EPA found that there is a relationship between CO emissions reductions and HAP emissions reductions from such engines. Therefore, because testing for CO emissions has many advantages over testing for HAP emissions, CO emissions were chosen as a surrogate for HAP emissions reductions for these engines. See 75 Fed. Reg. 9648, 9651 (March 3, 2010).

BACKGROUND AND FACTUAL BASIS

9. The Cutler facility is located at 175 Ridge Road, Cutler, Maine. The facility has two 13-antenna arrays that provide redundant capabilities to communicate to the naval fleet.

10. The Navy operates five diesel powered, compression ignition, stationary, reciprocating internal combustion engines at the facility to supply electrical power for transmitting radio waves and other power needs. Each of the four engines identified as D#2, D#3, D#4, and D#5 has the capability to generate 3000 kW of electricity, and each engine has a rated output capacity of 4066 horsepower ("HP"). The facility also operates one engine identified as D#6 that has the capability to generate 750 kW of electricity and has a rated output capacity of 906 HP. (An

additional diesel engine with the capability to generate 2750 kW of electricity (D#1) is located at the facility but has been decommissioned.)

11. Each of the five diesel engines at the Cutler facility (D#2, D#3, D#4, D#5, and D#6) is a non-emergency, diesel powered, non-black start, compression ignition ("CI"), stationary RICE greater than 500 HP. Each engine is subject to Subpart ZZZZ.[1]

12. The Cutler facility is an area source of hazardous air pollutants ("HAP").

13. The compliance deadline for Subpart ZZZZ was May 3, 2013.

14. On June 6, 2013, the Navy requested an extension of the compliance deadline of the emissions and operating limitations applicable to the Cutler facility until October 2015.

15. Subpart ZZZZ requires that compliance extensions be submitted 120 days prior to the compliance date. See 40 CFR §§ 63.6665 and 63.6(i)(4)(i)(B).

16. On July 30, 2013 and October 27, 2014, EPA conducted inspections of the facility.

LEGAL FINDINGS AND NOTICE OF VIOLATIONS

Emissions Violations

17. Owners or operators of existing stationary RICE located at an area source of HAP emissions must comply with the requirements in Table 2d of Subpart ZZZZ. See 40 CFR §63.6603.

18. According to requirement 3 of Table 2d of Subpart ZZZZ, non-emergency, non-black start, CI, stationary RICE greater than 500 HP, are required to:

a. Limit the concentration of carbon monoxide ("CO") in the stationary RICE exhaust to 23 parts per million, volumetric dry ("ppmvd") at 15% oxygen; or

b. Reduce CO emissions by 70 percent or more.

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[1] Note that engine D#1 is also non-emergency, non-black start, CI, stationary RICE greater than 500 HP and would be subject to Subpart ZZZZ if it were to become operational.

19. The Cutler facility has failed to either limit the concentration of CO in the D#2, D#3, D#4, D#5, and D#6 exhaust to 23 ppmvd at 15% oxygen, or to reduce CO emissions from these engines by 70 percent or more.

20. Accordingly, the Cutler facility has violated and continues to violate 40 CFR §63.6603.

Initial Compliance Demonstration and Initial Performance Testing Violations

21. Owners or operators of existing stationary CI RICE greater than 500 HP must demonstrate initial compliance with the emission limitations, operating limitations, and other requirements contained in Tables 5 and 2b of Subpart ZZZZ. See 40 CFR §§63.6630(a) and (b).

22. To date, the Cutler facility has failed to make an initial compliance demonstration.

23. Accordingly, the Cutler facility has violated and continues to violate 40 CFR §63.6630.

24. Furthermore, owners or operators must conduct initial performance tests within 180 days after the compliance date of May 3, 2013. See 40 CFR §63.6612(a).

25. To date, the Cutler facility has failed to conduct initial performance tests.

26. Accordingly, the Cutler facility has violated and continues to violate 40 CFR §§63.6612.

Demonstration of Continuous Compliance Violations

27. Owners or operators of existing stationary CI RICE greater than 500 HP must demonstrate continuous compliance with each emission limitation, operating limitation, and other requirements in the applicable tables of Subpart ZZZZ. See 40 CFR §63.6640(a). For example, if the Cutler facility uses an oxidation catalyst[2] to limit or reduce CO concentrations, Table 2b requires owners or operators to:

[2] If the engines are able to comply with the requirement to limit or reduce the concentration of CO without using a catalyst, the Cutler facility would need to comply with any operating limitations approved by the Administrator.

a. maintain the catalyst so that the pressure drop across the catalyst does not change by more than two inches of water column from the pressure drop across the catalyst that was measured during the initial performance test; and

b. maintain the temperature of the stationary RICE exhaust so that the catalyst inlet temperature is greater than or equal to 450°F and less than or equal to 1350°F.

28. The Cutler facility has failed to demonstrate continuous compliance.

29. Accordingly, the Cutler facility has violated and continues to violate 40 CFR §63.6640(a).

Notification and Reporting Violations

30. According 40 CFR §63.6645 of Subpart ZZZZ, owners or operators are required to submit all of the notifications required by the following General Provisions of the NESHAP regulations:

a. 40 CFR §63.7(b) – Notification of Performance Testing

b. 40 CFR §63.7(c) – Quality Assurance Program

c. 40 CFR §63.8(e) – Performance Evaluation of Continuous Monitoring Systems

d. 40 CFR §63.9(b) – Initial Notifications

e. 40 CFR §63.9(e) – Notification of Performance Test

f. 40 CFR §63.9(g) – Additional Notification Requirements for Sources with Continuous Monitoring Requirements

g. 40 CFR §63.9(h) – Notification of Compliance Status

31. The Cutler facility has failed to submit the required notifications.

32. Accordingly, the Cutler facility has violated and continues to violate 40 CFR §63.6645.

33. Also, owners or operators are required to submit annual and semiannual compliance reports. See 40 CFR §63.6650.

34. The Cutler facility has failed to submit the required annual and semiannual compliance reports.

35. Accordingly, the Cutler facility has violated and continues to violate 40 CFR §63.6650.

ENFORCEMENT

36. At any time after the issuance of this NOV, EPA may take any or all of the following actions: issue a further order regarding compliance with the requirements of the Act or issue an administrative penalty order for monetary penalties up to $37,500 per day for each violation. See Sections 113(a) and (d) of the Act, 42 U.S.C. §§ 7413(a) and (d), and 40 C.F.R. Part 19 (Clean Air Act administrative penalties increased from $25,000 to $37,500). Be advised that Section 113(e)(2) of the Act, 42 U.S.C. § 7413(e)(2), contains provisions that affect the burden of proof with respect to violations that continue or recur on or after the date of notice of a violation.

37. The issuance of this NOV does not resolve liability for any administrative penalties. Be advised that issuance of this NOV does not preclude EPA from electing to pursue any other remedies or sanctions authorized by law that are available to address these violations.

OPPORTUNITY TO CONFER

38. If the Navy has any questions regarding this NOV, please contact Steve Calder, Environmental Engineer, at (617) 918-1744, or have your legal counsel contact John Kilborn, Senior Enforcement Counsel, at (617) 918-1893. The Navy may request an opportunity to confer with EPA within 14 days of issuance of this NOV by contacting Mr. Calder or Mr. Kilborn at the phone numbers listed above.

EFFECTIVE DATE AND APPLICABILITY

39. This NOV is effective immediately. The provisions of this NOV apply to the Navy, its officers, agents, servants, employees, successors, and assigns, and to all persons, firms, and

corporations acting under, through, or for the Navy. This NOV is not subject to Office of Management and Budget review under the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

Susan Studlien

Susan Studlien, Director
Office of Environmental Stewardship

07/16/15
Date