UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:	)	
	)	
Xcel Energy	)	**FINDING OF VIOLATION**
French Island Generating	)	
Plant	)	**EPA-5-01-WI-14**
LaCrosse, Wisconsin	)	
	)	
	)	
Proceedings Pursuant to	)	
the Clean Air Act,	)	
42 U.S.C. §§ 7401 et seq.	)	

Finding of Violation

The United States Environmental Protection Agency (U.S. EPA) hereby notifies the State of Wisconsin and Xcel Energy (Xcel), that U.S. EPA finds Xcel's Generating Plant, located at 200 South Bainbridge Street, LaCrosse, Wisconsin, in violation of the Clean Air Act (Act), 42 U.S.C. §§ 7401 et seq. Xcel is in violation of Section 111 of the Act, 42 U.S.C. § 7411, and regulations setting forth Federal Plan Requirements for Large Municipal Waste Combustors Constructed on or Before September 20, 1994, at 40 C.F.R. Part 62, Subpart FFF, as follows:

Regulatory Authority

1. On November 12, 1998, in accordance with Section 111(d) and Section 129 of the Act, U.S. EPA promulgated the Federal Plan Requirements for Large Municipal Waste Combustors Constructed on or Before September 20, 1994, at 40 C.F.R. Part 62, Subpart FFF, §§ 62.14100 - 62.14109 (Subpart FFF).

2. Subpart FFF applies to each municipal waste combustor unit with a capacity to combust greater than 250 tons per day of municipal solid waste for which construction was commenced on or before September 20, 1994, and that is not regulated by an U.S. EPA approved and currently effective State or Tribal plan.

3. Section 62.14108(b) requires Large Municipal Waste Combustor units to achieve final compliance no later than December 19, 2000.

Factual Background

4. Xcel owns and operates two wood waste and refuse derived fuel fired fluidized bed boilers (Combustor Units) identified as B20 and B21, at its facility located at 200 South Bainbridge Street, LaCrosse, Wisconsin.

5. Units B20 and B21 each have a capacity to combust greater than 250 tons per day of municipal solid waste and construction for the units commenced on or before September 20, 1994.

6. Combustor units B20 and B21 are not regulated by an approved and currently effective State or Tribal plan and therefore are affected facilities as defined in 40 C.F.R. § 62.14102(a) and subject to the requirements of Subpart FFF.

Violations

7. 40 C.F.R. § 62.14103(a)(1) states that the owner or operator of an affected facility must not cause to be discharged into the atmosphere from that affected facility any gases that contain particulate matter in excess of 27 milligrams per dry standard cubic meter (mg/dscm), corrected to 7 percent oxygen. Based upon the stack test conducted on June 30, 1999, Unit B20 emits 164.75 mg/dscm of particulate matter and therefore is in violation of the above limit. The most recent stack test for Unit B21 was performed on October 29, 1998, demonstrating an emission rate of 37 mg/dscm for particulate matter, therefore B21 is also in violation of § 62.14103(a)(1).

8. 40 C.F.R. § 62.14103(b)(1) states that the owner or operator of an affected facility must not cause to be discharged into the atmosphere from that affected facility any gases that contain sulfur dioxide in excess of 29 parts per million (ppm) by volume or 25 percent of the potential sulfur dioxide emission concentration (75 percent reduction), corrected to 7 percent oxygen. Based upon the stack test conducted on June 30, 1999, Unit B20 emits 32 ppm sulfur dioxide, and therefore is in violation of § 62.14103(b)(1).

9. 40 C.F.R. § 62.14103(b)(2) states that the owner or operator of an affected facility must not cause to be discharged into the atmosphere from that affected facility any gases that contain hydrogen chloride (Hcl) in excess of 29 ppm by volume or 5 percent of the potential Hcl emission concentration (95 percent

reduction), corrected to 7 percent oxygen. Based upon the stack test conducted on June 30, 1999, Unit B20 emits 238 ppm of Hcl, and therefore is in violation of § 62.14103(b)(2). The most recent stack test for Unit B21 was performed on December 17-19, 1997, demonstrating an emission rate of 149.5 ppm for HCL, therefore this unit is also in violation of § 62.14103(b)(2).

3/29/01
Date

Cheryl Newton, Acting Director
Air and Radiation Division