

Air Enforcement: U.S. Environmental Protection Agency and Almena, Wisconsin, Municipal Waste Combustion Facility Enter into Consent Agreement



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The United States Environmental Protection Agency (“EPA”) and Barron County Waste to Energy Facility (“BCWEF”) entered into a May 12th Consent Agreement and Final Order (“CAFO”) addressing an alleged violation of the Clean Air Act.

The CAFO provides that BCWEF operates a municipal waste combustion facility (“Facility”) in Almena, Wisconsin.

The Facility is stated to have been issued a Clean Air Act Title V permit renewal on June 28, 2016. Condition I.B. 2.a(1)(a) of the Facility’s Title V permit requires it conduct an annual stack test no later than 13 months after the previous stack test for the applicable pollutants. Further, BCW2E Title V Permit Condition I.A.8.a(1)(c) requires that Cd emission from the exhaust gas of the waste combustor units not exceed 0.10 milligrams per dry standard cubic meter of exhaust gas at 7% oxygen.

The Facility is stated to operate two incinerators which are not subject to an EPA or effective state plan. They are described as Class II small municipal waste combustion units and subject to the Federal Plan Requirements codified at 40 C.F.R. Part 62, Subpart JJJ. The Facility is stated to constitute a major source of pollutants and subject to the requirements of Title V of the Clean Air Act.

The CAFO provides in part that:

From October 4 through 6, 2016, BCW2E conducted air emission compliance stack tests at the exhaust of stack (S10) for its two municipal waste incinerators. The tests included an EPA Method 29 test for Cd, Pb, Cr, and Hg. The Cd results indicated a Cd concentration of 1.11 mg/dscm at 7% O₂.

It is also stated that based on the stack test that EPA has determined that:

... on October 4, 2016, BCW2E operated its municipal waste combustion units with Cd emissions in excess of 0.10 mg/dscm at 7% O₂, in violation of 40 C.F.R. § 62.15160(a)(2) and Title V Permit Condition I.A.8.a.(1)(c).

The CAFO assesses a civil penalty of \$33,734.

A copy of the CAFO can be downloaded [here](#).

