

Air Enforcement: U.S. Environmental Protection Agency and Illinois Municipal Utility Enter into Consent Agreement



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The United States Environmental Protection Agency (“EPA”) and City Water, Light and Power of Springfield, Illinois (“CWL&P”) entered into an October 28th Consent Agreement and Final Order (“CAFO”) addressing alleged violations of the air regulations. See Docket No. CAA-05-2023-0001.

The CAFO provides that CWL&P is a municipal utility doing business in Springfield, Illinois.

CWL&P is stated to own and operate four coal-fired electric utility steam-generating units in Springfield, Illinois. The boilers are stated to range in size from 75 MW to 230 MW. Further, emissions from Boilers 31 and 32 (at a common stack), Boiler 33, and Boiler 34 are stated to have been continuously monitored for mercury emissions with sorbent trap monitoring systems.

CWL&P is stated to have submitted semi-annual compliance reports required by the Clean Air Act National Emission Standards for Hazardous Air Pollutants (“NESHAP”) Subpart UUUUU and reported downtime of the continuous mercury monitoring systems for each boiler as a percent of total operating time for a semi-annual reporting period. The percent downtime given in each report is outlined in Table 1 found in the CAFO.

The CAFO provides that CWL&P failed to operate the monitoring system and collect data at all required intervals at all times that Boilers 31, 32, 33, and 4 were operating over the January 1, 2016, to December 31, 2018, reporting periods. This is alleged to have violated 40 CFR § 63.10020(b) and Section 112(i)(3) of the Clean Air Act.

Further, CWL&P is stated to have failed to operate and maintain the continuous monitoring systems associated with mercury emissions at Boilers 31, 32, 33, and 4 with good air pollution control practices over the January 1, 2016, to December 31, 2018, reporting periods. This is alleged to have violated 40 CFR § 63.8(c) and 6.10000(b) and Section 112(i)(3) of the CAA.

The CAFO assesses a civil penalty of \$14,600. Further, the CAFO provides that CWL&P must complete an environmental mitigation action designed to remedy, reduce, or offset alleged past environmental harm caused by the alleged non-compliance. The mitigation action is stated to require that CWL&P expend at least \$45,000 on the action which would not include labor, miscellaneous materials and equipment costs, overhead or disposal costs.

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

