



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAR 29 2019

REPLY TO THE ATTENTION OF

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Becky Anderson
Director of Compliance
WRR Environmental Services Co., Inc.
5200 Ryder Road
Eau Claire, Wisconsin 54701

Re: Finding of Violation
WRR Environmental Services Co., Inc.
Eau Claire, Wisconsin

Dear Ms. Anderson:

The U.S. Environmental Protection Agency is issuing the enclosed Finding of Violation (FOV) to WRR Environmental Services Co., Inc., (you) under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1). We find that you are violating the National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations at 40 C.F.R. Part 63 Subpart DD, the National Emission Standards for Tanks – Level 1 at 40 C.F.R. Part 63 Subpart OO, and your Title V permit.

Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the FOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply and the steps you will take to prevent future violations. In addition, in order to make the conference more productive, we encourage you to submit to us information responsive to the FOV prior to the conference date.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contacts in this matter are Scott Connolly and Jason Schenandoah. You may call them at (312) 886-1492 or (312) 886-9506, respectively, to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,

A handwritten signature in blue ink, appearing to read "E. Nam", followed by a flourish.

Edward Nam
Director
Air and Radiation Division

Enclosure

cc: Maria Hill, Wisconsin Department of Natural Resources

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

WRR Environmental Services Co., Inc.
Eau Claire, WI

Proceedings Pursuant to
the Clean Air Act,
42 U.S.C. §§ 7401 et seq.

FINDING OF VIOLATION

EPA-5-19-WI-04

FINDING OF VIOLATION

The U.S. Environmental Protection Agency finds that WRR Environmental Services Co., Inc. (WRR) is violating Section 112 of the Clean Air Act (CAA), 42 U.S.C. § 7412. Specifically, WRR is violating the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Off-Site Waste and Recovery Operations at 40 C.F.R. Part 63, Subpart DD, the National Emission Standards for Tanks – Level 1 at 40 C.F.R. Part 63, Subpart OO, and conditions of WRR's Title V Permit for its Eau Claire facility (the Facility):

STATUTORY AND REGULATORY BACKGROUND

1. The CAA is designed to, among other things, 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. Section 101(h)(1) of the CAA, 42 U.S.C. § 7401(b)(1).

National Emission Standards for Hazardous Air Pollutants (NESHAPs)

2. Section 112 of the CAA, 42 U.S.C. § 7412, requires EPA to promulgate a list of all categories and subcategories of major sources and area sources of hazardous air pollutants (HAPs) and establish emissions standards for the categories and subcategories. These emission standards are known as NESHAPs.
3. "Major source" is defined as "any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants." 42 U.S.C. § 7412(a)(1).
4. "Stationary source" is defined as "any building, structure, facility, or installation, which emits or may emit any air pollutant." 42 U.S.C. § 7411(a)(3).
5. "Hazardous air pollutant" is defined as "any air pollutant listed in or pursuant to" Section 112(b) of the Act. 42 U.S.C. § 7412(a)(6).

6. Section 112(i)(3) of the Act, 42 U.S.C. § 7412(i)(3), prohibits any person subject to a NESHAP from operating a source in violation of a NESHAP after its effective date.

NESHAP for Off-Site Waste and Recovery Operations at 40 C.F.R. Part 63, Subpart DD

7. The Off-Site Waste and Recovery Operations NESHAP, 40 C.F.R. Part 63, Subpart DD, was promulgated on July 1, 1996, and amended on July 20, 1999, and January 8, 2001. 61 Fed. Reg. 34140, 64 Fed. Reg. 38950, 66 Fed. Reg. 1263.
8. The provisions of 40 C.F.R. Part 63, Subpart DD, apply to the owner and operator of a plant site that is a major source of HAP emissions as defined in 40 C.F.R. § 63.2, is a waste management operation that receive off-site material, and is an operation that is regulated as a hazardous waste treatment, storage, and disposal facility (TSDF) under either 40 C.F.R. Part 264 or 265. 40 C.F.R §§ 63.680(a)(1), (2)(i).
9. Owners or operators of existing affected sources that commenced construction or reconstruction before October 13, 1994 and received off-site material for the first time before February 1, 2000, must achieve compliance on or before February 1, 2000, unless an extension has been granted by the Administrator as provided in 40 C.F.R. § 63.6(i). 40 C.F.R. § 63.680(e)(1)(i).
10. Affected sources include off-site material management units, process vents, and equipment leaks. 40 C.F.R. § 63.680(c)(1)-(3).
11. An “off-site material” is a material that meets all of the criteria specified in 40 C.F.R. § 63.680(b)(1) but is not one of the materials specified in 40 C.F.R. § 63.680(b)(2). 40 C.F.R. § 63.680(b).
12. In order to qualify as “off-site material” under 40 C.F.R. Part 63, Subpart DD, the material must meet all of the following criteria: (i) the material is a waste, used oil, or used solvent as defined in 40 C.F.R. § 63.681; (ii) the waste, used oil, or used solvent is not produced or generated within the plant site, but the material is delivered, transferred, or otherwise moved to the plant site from a location outside the boundaries of the plant site; and (iii) the waste, used oil, or used solvent contains one or more of the HAPs listed in Table 1 of 40 C.F.R. Part 63, Subpart DD. 40 C.F.R § 63.680(b)(1)(i)-(iii).
13. For each waste management operation subject to 40 C.F.R. Part 63, Subpart DD that is located at the plant site, the affected source is the entire group of off-site material management units associated with the operation. 40 C.F.R § 63.680(c)(1).
14. For each waste management operation subject to 40 C.F.R. Part 63, Subpart DD that is located at the plant site, the affected source is the entire group of equipment components for which each component meets all of the conditions specified in 40 C.F.R. § 63.680(c)(3)(i)-(iii).

Equipment Leaks

15. For each equipment component that is part of an affected source specified in 40 C.F.R. § 63.680(c)(3), the owner or operator must control equipment leaks by implementing leak detection and control measures in accordance with the standards specified in 40 C.F.R. § 63.691. 40 C.F.R. § 63.683(d).
16. To determine that affected sources operate with no detectable organic emissions for the purposes of complying with the NESHAP, “[t]he detection instrument shall meet the performance criteria of Method 21 of 40 CFR part 60, appendix A, except the instrument response factor criteria in section 8.1.1 of Method 21 shall be for the weighted average composition of the organic constituents in the material placed in the unit at the time of monitoring, not for each individual organic constituent.” 40 C.F.R. § 63.694(k)(3).
17. EPA Method 21, at 6.1, requires that the VOC instrument detector shall respond to the compounds being processed. Detector types that may meet this requirement include, but are not limited to, catalytic oxidation, flame ionization, infrared absorption, and photoionization.
18. To determine that affected sources operate with no detectable organic emissions for the purposes of complying with the NESHAP, the owner or operator must calibrate the detection instrument before use on each day of its use by the procedures specified in Method 21 of 40 CFR Part 60, Appendix A. The calibration gas used must be “[z]ero air (less than 10 parts per million by volume (ppmv). hydrocarbon in air)” and “[a] mixture of methane or n-hexane in air at a concentration of approximately, but less than, 10,000 ppmv.” 40 C.F.R. §§ 63.694(k)(4)-(5).
19. Each pressure relief device in gas/vapor service must be operated with an instrument reading of less than 500 ppm above background as detected by Method 21 of 40 CFR Part 60, Appendix A, except during a pressure release event. 40 C.F.R. § 63.691(c)(1).

Tanks

20. For tanks that are part of an affected source specified in 40 C.F.R. § 63.680(c)(1), the owner or operator must control air emissions from tanks in accordance with the standards specified in 40 C.F.R. § 63.685. 40 C.F.R. § 63.683(b)(1)(i).
21. The owner or operator must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. The general duty to minimize emissions does not require the owner operator to make any further efforts to reduce emissions if levels required by the applicable standard have been achieved. Determination of whether a source is operating in compliance with operation and maintenance requirements will be based on information available to the Administrator, which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source. 40 C.F.R. § 63.683(e).

22. For a tank that is part of an existing affected source but the tank is not used for a waste stabilization process as defined in § 63.681, the owner or operator shall determine whether the tank is required to use either Tank Level 1 controls or Tank Level 2 controls as specified for the tank by Table 3 of this subpart based on the off-site material maximum HAP vapor pressure and the tank's design capacity. The owner or operator shall control air emissions from a tank required by Table 3 to use Tank Level 1 controls in accordance with the requirements of paragraph (c) of this section. 40 C.F.R. § 63.685(b)(1)(i).
23. Owners and operators controlling air emissions from a tank that is part of an existing affected source using Tank Level 1 Controls shall operate in accordance with the provisions specified in 40 C.F.R. Part 63, Subpart OO, National Emissions Standards for Tanks – Level 1, except that 40 C.F.R. §§ 63.902(c)(2)-(3) shall not apply. 40 C.F.R. § 63.685(c)(2).

National Emission Standards for Tanks – Level 1 at 40 C.F.R. Part 63, Subpart OO

24. A fixed roof means a cover that is mounted on a tank in a stationary position and does not move with fluctuations in the level of the liquid managed in the tank. 40 C.F.R. § 63.901.
25. A closure device means a cap, hatch, lid, plug, seal, valve, or other type of fitting that, when the device is secured in the closed position, prevents or reduces air emissions to the atmosphere by blocking an opening in a fixed roof. Closure devices include devices that are detachable from the cover (e.g., a sampling port cap), manually operated (e.g., a hinged access lid or hatch), or automatically operated (e.g., a spring-loaded pressure relief valve). 40 C.F.R. § 63.901.
26. Regulated-material means the material (e.g., waste, wastewater, off-site material) required to be managed in tanks using air emission controls in accordance with the standards specified in Subpart OO. 40 C.F.R. § 63.901.
27. Whenever a regulated-material is in the tank, the fixed roof shall be installed with each closure device secured in the closed position. 40 C.F.R. § 63.902(c).
28. Each opening in the fixed roof, and any manifold system, shall be equipped with a closure device designed to operate such that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device. 40 C.F.R. § 63.902(b)(3)(i).
29. Whenever a regulated-material is in the tank, the fixed roof shall be installed with each closure device secured in the closed position except during the opening of a spring-loaded pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device which vents to the atmosphere is allowed during normal operations for the purpose of maintaining the tank internal pressure in accordance with the tank design specifications. The device shall be designed to operate with no detectable organic emissions when the device is secured in the closed position. 40 C.F.R. § 63.902(c)(2).

30. For a potential leak interface other than a seal around a shaft that passes through a cover opening, the potential leak interface is determined to operate with no detectable emissions if the organic concentration value is less than 500 ppmv. 40 C.F.R. § 63.905(a)(9)(ii).
31. The fixed roof and its closure devices shall be visually inspected by the owner or operator to check for defects that could result in air emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in the roof sections or between the roof and the tank wall; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices. 40 C.F.R. § 63.906(a)(1).
32. The owner or operator must perform an initial inspection following installation of the fixed roof. Thereafter, the owner or operator must perform the inspections at least once every calendar year except as provided for in 40 C.F.R. § 63.906(d). 40 C.F.R. § 63.906(a)(2).
33. The owner or operator shall make first efforts at repair of the defect no later than 5 calendar days after detection and repair shall be completed as soon as possible but no later than 45 calendar days after detection. 40 C.F.R. § 63.906(b)(1).
34. An owner or operator of an affected source subject to 40 C.F.R. Part 63, Subpart DD must comply with the recordkeeping requirements of 40 CFR 63.10, pursuant to Table 2 of 40 CFR Part 63, Subpart DD.

Title V Permit Program

35. Title V of the CAA, 42 U.S.C. 7661-7661f, establishes an operating permit program for major sources of air pollution.
36. In accordance with Section 502(b) of the CAA, 42 U.S.C. § 7661a(b), EPA promulgated regulations establishing the minimum elements of a Title V permit program to be administered by any air pollution control agency. See 57 Fed. Reg. 32250 (July 21, 1992). Those regulations are codified at 40 C.F.R. Part 70.3.
37. Section 502(d) of the CAA, 42 U.S.C. § 7661a(d), provides that each state must submit to EPA a permit program meeting the requirements of Title V.
38. On December 4, 2001, EPA granted Wisconsin final approval of its Title V CAA Permit Program, effective November 30, 2001. 66 Fed. Reg. 62951.
39. On February 28, 2006, EPA granted Wisconsin final approval on revisions to its Title V CAA Permit Program, effective March 30, 2006. 71 Fed. Reg. 9934.
40. Section 502(a) of the CAA, 42 U.S.C. § 7661a(a), and 40 C.F.R. § 70.7(b) provide that after the effective date of any permit program approved or promulgated under Title V of

the CAA, no source subject to Title V may operate except in compliance with a Title V permit.

Title V Operating Permit

41. On June 8, 2015, Wisconsin Department of Natural Resources (WDNR) issued to WRR an Air Pollution Control Operation Permit, Number 618026530-P10, authorizing operation of the Facility as a major source.
42. On October 2, 2018, WDNR issued to WRR a revised Air Pollution Control Operation Permit, Number 618026530-P11 ("Title V Permit"), authorizing operation of the Facility as a major source.
43. Section I.C.2.b.(2)(c) of the Title V Permit requires each opening in the fixed roof of Process P01 to be equipped with a closure device designed to operate such that when the closure device is secured in the closed position there are no visible cracks, hole, gaps, or other open spaces in the closure device.
44. Section I.C.2.b.(4)(b) of the Title V permit requires each spring-loaded pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device on the fixed roof tanks in Process P01 to operate with no detectable emissions when the device is secured in the closed position.

FINDINGS

45. WRR owns and/or operates an off-site waste management facility at 5200 Ryder Road, Eau Claire, Wisconsin. The Facility is located in Eau Claire County, Wisconsin.
46. The Facility is a "plant site" as defined in 40 C.F.R. § 63.681.
47. The Facility is a major source of HAPs, as defined by the NESHAP, is a waste management operation that receives off-site material, and is an operation that is regulated as a hazardous waste treatment, storage, and disposal facility (TSDF) under 40 CFR Part 264 or 265, and is therefore subject to the provisions of 40 C.F.R. Part 63, Subpart DD.
48. The Title V Permit includes terms and conditions designed to control HAP emissions pursuant to 40 C.F.R Part 63, Subpart DD. These terms and conditions are federally enforceable pursuant to Wis. Admin. Code § NR 407.09(3) and 42 U.S.C. § 7413(a)(3).
49. The Facility operates eighteen waste storage tanks in the E-I Sludge Tank Farm, nine waste tanks in the E-I South Sludge Tank Farm, fourteen tanks in the E-II South Sludge Tank Farm, fifty-six tanks in the E-II Product Tank Farm, eleven tanks in the Delta Tank Farm and nine tanks in the SK Tank Farm (Facility Tanks); Facility Tanks are listed in the Title V permit under Process P01 and were installed on January 1, 1973.
50. The Facility Tanks contain material that is a waste, used oil, or used solvent that is delivered to the plant site from a location outside the boundaries of the plant site and

contains one or more HAPs listed in Table 1 of 40 C.F.R. Part 63, Subpart DD, and therefore contain “off-site material” as it is defined in 40 C.F.R. § 63.680(b)(1).

51. The Facility Tanks are part of an affected source and, therefore, are subject to Subpart DD.
52. The Facility Tanks operate with fixed roof closures, such as conservation vents and emergency relief vents, and are required to have Tank Level 1 Control.
53. The Facility Tanks are subject to 40 C.F.R. Part 63, Subpart OO.
54. The Facility Tanks contain regulated-material within the meaning of 40 C.F.R. Part 63, Subpart OO.
55. In or around June 2018, WRR conducted its annual tanks inspection.
56. In or around August 2018, WRR implemented a Leak, Detection, and Repair (LDAR) Program to detect VOC emissions from equipment leaks using EPA Method 21. Prior to August 2018, WRR conducted area monitoring with a photo ionization detector to detect leaks.
57. On October 24, 2018, EPA conducted an unannounced Clean Air Act inspection of the Facility (2018 Inspection).
58. During the 2018 Inspection, WRR representatives stated that they began conducting LDAR monitoring with a toxic vapor analyzer (TVA) in August 2018 and were continuing to assess their monitoring program.
59. During the 2018 Inspection, EPA inspectors used a TVA and forward looking infrared (FLIR) camera to observe the equipment at the facility. Equipment leaks observed during the 2018 Inspection are listed in Table 1:

Tank Identifier	Component	EPA TVA Reading (ppm)	FLIR Video of Leak (yes/no)
QQ	Emergency vent flange	Instrument max, >40,000	yes
YY	Emergency Vent	20,000	yes
YY	Sample Port	2,000	no
TT	Sample Port	Instrument max, >40,000	yes
TT	Sample Port (after initial repair)	3,500	no
UU	Emergency vent	6,000	no
QQ	Emergency vent	2,000	no
XX	Conservation Vent	1,000	no
XX	Sample Port	5,000	no
YY	Flange	Instrument max, >40,000	no
BF	Emergency Vent Cap	3,400	no
BF	Emergency Vent Flange	Instrument max, >40,000	no

CC	Emergency Vent	3,500	yes
30	Emergency Vent Flange	Difficult to Monitor	yes
N	Emergency Vent	Difficult to Monitor	yes
O	Emergency Vent	Difficult to Monitor	yes
L	Emergency Vent	Difficult to Monitor	yes
J	Emergency Vent	Difficult to Monitor	yes
Z	Emergency Vent	Difficult to Monitor	yes

Table 1: Summary of leaking equipment observed during the inspection.

60. During the 2018 Inspection, WRR confirmed the monitored leaks using a TVA.
61. During the 2018 Inspection, EPA observed defects, in the form of open spaces on the closure devices on tanks QQ and YY, that resulted in air emissions.
62. During the 2018 Inspection, EPA observed that WRR operated its tanks with visible cracks, holes, gaps, or other open spaces in the closure device.
63. Prior to August 2018, WRR failed to monitor the equipment components that were part of an affected source, at the Facility, using the performance criteria of Method 21.
64. Prior to August 2018, WRR failed to monitor equipment components that were part of an affected source at the Facility with a VOC detector instrument that responds to the compounds processed.
65. WRR failed to operate its tanks' fixed roof closures with no detectable emissions.

VIOLATIONS

66. By failing to monitor and control equipment components that are part of an affected source with a VOC detector instrument using Method 21, WRR violated 40 C.F.R. § 63.683(d).
67. By failing to operate each closure device on openings in the fixed roof, and any manifold system, in such a manner that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device, WRR violated 40 C.F.R § 63.902(b)(3)(i) and Section I.C.2.b.(2)(c)(i) of the Title V Permit.
68. By failing to operate its tanks' fixed roof closures with no detectable emissions, WRR violated and continues to violate 40 C.F.R. §§ 63.683(b)(1)(i), 63.683(e) and 63.902(c)(2) and Section I.C.2.b.(4)(b) of the Title V Permit.

ENVIRONMENTAL IMPACT OF VIOLATIONS

69. These violations caused or can cause excess emissions of VOCs, including HAPs.
70. VOCs are photochemical oxidants associated with a number of detrimental health effects, which include birth defects and cancer, as well as environmental and ecological effects.

In the presence of sunlight, VOCs are influenced by a variety of meteorological conditions and have the ability to create photochemical smog. VOCs react with oxygen in the air to produce ground-level ozone.

71. HAP emissions increase the amount of pollutants that are known or suspected to cause cancer or other serious health effects, such as adverse reproductive effects or birth defects, and/or adverse environmental effects.

Date

3/29/19

Edward Nam

Director

Air and Radiation Division

CERTIFICATE OF MAILING

I certify that I sent a Finding of Violation, No. EPA-5-19-WI-04, by Certified Mail, Return Receipt Requested, to:

Becky Anderson
Director of Compliance
WRR Environmental Services Inc.
5200 Ryder Road
Eau Claire, WI 54701

I also certify that I sent copies of the Finding of Violation by email to:

Maria Hill, Chief
Compliance, Enforcement, And Emissions Inventory Section
Air Management Program
Environmental Protection Division
Wisconsin Department of Natural Resources
Maria.hill@wisconsin.gov

On the 29th day of March 2019


for Kathy Jones
Program Technician
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER:

70181830000054145885