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Central Valley Biomass Power Plants Fined More Than \$830,000 For Clean Air Act Violations

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Action Reduces Facilities Air Emissions By Up To 545 Tons Per Year

SAN FRANCISCO - The United States, on behalf of the U.S. Environmental Protection Agency, and the San Joaquin Valley Air Pollution Control District lodged consent decrees against two biomass power plants in Chowchilla and El Nido, Calif. The two companies have agreed to pay a combined civil penalty of \$835,000 to resolve alleged violations of the federal Clean Air Act and District rules, including excess emissions of air pollutants such as nitrogen oxides—a precursor to ozone—and fine particulates.

“EPA is committed to doing our part to tackle the worst air quality in the nation. Today’s enforcement actions are a victory for human health,” said Jared Blumenfeld, EPA’s Regional Administrator for the Pacific Southwest. “San Joaquin Valley communities can now breathe easier as a result of the significant pollution controls won in these settlements.”

The settlements require the facilities to install devices to improve monitoring and reporting of air pollutants; enhance automation of the control systems for nitrogen oxides emissions; and prepare more stringent control plans to minimize emissions of air pollutants. As a part of this action, the companies have installed controls that reduce emissions of nitrogen oxides by up to 180 tons per year and carbon monoxide by up to 365 tons per year. The EPA and District will continue to monitor both facilities for an additional two years to ensure completion of all requirements.

Ampersand Chowchilla Biomass, LLC, (ACB), and Merced Power, LLC, (MP), located within 12 miles of each other in the San Joaquin Valley, are required to pay \$328,000 and \$492,000, respectively; EPA and the District will split the penalty equally. ACB is also required to pay an extra \$15,000 to the District for a District-only violation.

After refurbishing the plants in 2007-2008, ACB and MP initiated operations in 2008. A joint investigation by the EPA and District found that ACB and MP violated the air permits issued to them by the District by:

- Emitting air pollutants including nitrogen oxides, sulfur dioxide, and carbon monoxide in excess of the permit limits;
- Failing to perform timely source testing to measure emissions of various air pollutants;
- Failing to properly install and operate emissions control systems for nitrogen oxides, a precursor to ozone; and
- Failing to certify the continuous emissions monitoring systems.

The plants also violated various District rules including requirements for emissions control plans.

Biomass power plants use green waste from farms and other operations that would otherwise be subject to open burning, and construction debris that might have gone to a landfill, to generate power.

The San Joaquin Valley exceeds the national health standards for ozone and particulate matter. Nitrogen oxides react with other chemicals to form ozone and small particles, both harmful to the public’s health. Ozone and particulate matter affect the human respiratory system, and are linked to a variety of significant health problems ranging from aggravated asthma to premature death in people with heart and lung disease.

Both proposed consent decrees are subject to a 30-day public comment period and final approval by the U.S. District Court for the Eastern District of California. A copy of each decree is available at http://www.justice.gov/enrd/Consent_Decrees.html.

For more information on air pollutants, please visit: <http://www.epa.gov/ebtpages/airairpollutants.html>.

For more information on the Clean Air Act, please visit:
<http://www.epa.gov/air/caa>.

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