

217/782-5811
TDD 217/782-9143

CERTIFIED MAIL #7008 1830 0001 4714 5788
RETURN RECEIPT REQUESTED

Winnebago Energy Center
Scott Johnson
1716 Lawrence Drive
DePere, Wisconsin 54115

RE: Violation Notice A-2010-00013
Site: Winnebago Energy Center, 8403 Lindenwood Road, Rockford
I.D. 201801AAN

Dear Mr. Johnson:

This constitutes a Violation Notice pursuant to Section 31(a)(1) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31(a)(1), and is based upon a review of available information and an investigation by representatives of the Illinois Environmental Protection Agency ("Illinois EPA").

The Illinois EPA hereby provides notice of violations of environmental laws, regulations or permits as set forth in Attachment A to this letter. Attachment A includes an explanation of the activities that the Illinois EPA believes may resolve the specified violations, including an estimate of a reasonable time period to complete the necessary activities. Due to the nature and seriousness of the violations cited, please be advised that resolution of the violations may require the involvement of a prosecutorial authority for purposes that may include, among others, the imposition of statutory penalties.

A written response, which may include a request for a meeting with representatives of the Illinois EPA, must be submitted via certified mail to the Illinois EPA within 45 days of receipt of this letter. The response must address each violation specified in Attachment A and include for each an explanation of the activities that will be implemented and the time schedule for the completion of each activity. The written response will constitute a proposed Compliance Commitment Agreement ("CCA") pursuant to Section 31 of the Act. The Illinois EPA will review the proposed CCA and will accept or reject it within 30 days of receipt.

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If a timely written response to this Violation Notice is not provided, it shall be considered a waiver of the opportunity to respond and meet, and the Illinois EPA may proceed with a referral to the prosecutorial authority.

Written communications should be directed to Yasmine Keppner-Bauman, Illinois EPA, Bureau of Air, Compliance Unit, P.O. Box 19276, Springfield, Illinois 62794-9276. All communications must reference the Violation Notice number in this matter.

Questions regarding this matter should be directed to Yasmine Keppner-Bauman at 217/782-5811.

Sincerely,

Raymond E. Pilapil, Manager
Compliance Section
Bureau of Air

REP: ykb

Attachments

Violation Notice 2010-00013
Winnebago Energy Services, I.D. 201801AAN

Attachment A

Based on available information:

VIOLATIONS:

1. Sections 9(a) and (b) of the Act, 35 Ill. Adm. Code 214.301, and condition 1(b) of construction permit 07030094: Emissions of SO₂ from the affected landfill gas engines at Winnebago Energy Services have exceeded 2000 ppm since at least June 2009.
2. Section 9(b) of the Act and condition 6(b) of construction permit 07030094: Winnebago Energy Services has exceeded the emission limits for SO₂ of 0.28 lbs/hr and 1.23 (each) and 4.94 (total) tons/year for the landfill gas engines since at least June 2009.
3. Section 9(b) of the Act and 35 Ill. Adm. Code 201.142: Winnebago Energy Services failed to apply for and obtain a construction permit from the Illinois EPA prior to causing the emission of SO₂ in excess of the permitted emission limits resulting in modification of the source.
4. Section 39.5(6)(b) of the Act: Winnebago Energy Services caused the emission of SO₂ in excess of permitted emission limits at a major source, and operated the source without having first obtained the requisite Clean Air Act Permit Program ("CAAPP").

RECOMMENDATIONS:

The Illinois EPA suggests that Winnebago Energy Services take the following actions to address the apparent violations noted:

Within 45 days of receipt of this Violation Notice, submit a detailed plan, with a timeline, to achieve compliance with the requirements of regulations and permitting requirements cited above. This plan shall include interim milestone actions to be taken to achieve compliance and the dates those milestones will be achieved, and interim actions to be taken to ensure continuous compliance with the regulatory and permit requirements.