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# Air Enforcement/Risk Management Program: U.S. Environmental Protection Agency and PowerSouth Energy Cooperative Enter Into March 17th Consent Agreement to Address Alleged Violations

## Arkansas Environmental, Energy, and Water Law Blog

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The United States Environmental Protection Agency ("EPA") and PowerSouth Energy Cooperative ("PowerSouth") entered into a Consent Agreement and Final Order ("CAFO") addressing alleged violations of certain provisions of the Clean Air Act regulations found at 40 CFR § 68 (Chemical Accident Prevention provisions) related to the Risk Management Program ("RMProgram").

PowerSouth is an Andalusia, Alabama generation and transmission cooperative providing wholesale power to distribution members.

Under the authority of Section 112(r) of the Clean Air Act, the Chemical Accident Prevention Provisions require facilities that produce, handle, process, distribute, or store greater than the threshold quantity of any listed toxic or flammable extremely hazardous substance to develop a RMProgram, prepare a Risk Management Plan and submit the RMProgram to EPA.

The CAFO states that PowerSouth operates a stationary source in Andalusia, Alabama. The PowerSouth stationary source is stated to have a RMProgram covered process described as:

... selective catalytic reduction, which stores or otherwise uses ammonia, in an amount exceeding its applicable threshold of 20,000 pounds.

The CAFO alleges that based on an EPA RMProgram compliance monitoring investigation initiated on August 7, 2013 that PowerSouth violated the rules governing the Clean Air Act Chemical Accident Prevention Provisions because the cooperative did not adequately implement provisions of 40 CFR Part 68 when it:

- Failed to include in the five-year accident history an accidental release from a covered process that resulted in an injury, as required by 40 CFR § 68.42(a);
- Failed to compile and maintain up-to-date safety information related to the regulated substances, processes and equipment as required by 40 CFR § 68.48(a);
- Failed to perform or cause to be performed an inspection or test on process equipment following recognized and generally accepted good engineering practices as required by 40 CFR § 68.56(d).

PowerSouth neither admits nor denies the factual allegations contained in the CAFO.

PowerSouth agrees to a civil penalty of \$7,875.00. The cooperative further agrees to undertake and complete with 45 days of the effective date of the CAFO a Supplemental Environmental Project described as:

Respondent shall expend no less than **TWENTY NINE THOUSAND FIVE HUNDRED FIFTY NINE DOLLARS (\$29,559)** for the purchase of the following equipment for donation to the Andalusia Fire Department:

<u>Qty</u>	<u>Description</u>
6	LION Super Commando Coat Khaki Advance, 43-32R
5	LION Super Commando Coat Khaki Advance, 42R
6	Thorogood Leather Boot, Knockdown Elite, NFPA, 10W
5	LION Conway Legacy 5 Modern Helmet, 4" Faceshield, Yellow
5	LION Suspender, Tradition H-Back, 42"
5	Firecraft Glove, Phoenix Leather, NFPA, Gauntlet, Sz XL
6	Majestic FF Hood, Black P84 NFPA, 21" Total, 2-Ply
2	Kappler Zytron 500 Fully Encapsulated Level A Suit L-XL
3	AVON/ISI Deltair SCBA, 4500psi 45 Minute Carbon Cylinder
2	AVON/ISI 45 Minute, 4500psi Cylinder, Carbon

[Click here to download a copy of the CAFO.](#)