



REGION 10
SEATTLE, WA 98101

April 3, 2024

Ms. Jen Lennon
Environmental Manager
City of Spokane Solid Waste Disposal
2900 South Geiger Boulevard
Spokane, Washington 99224

Re: Force Majeure Event at City of Spokane Waste-to-Energy Facility

Dear Ms. Lennon:

This letter is in response to your letter on behalf of the City of Spokane Waste-to-Energy facility to the U.S. Environmental Protection Agency, Region 10, dated June 14, 2023, and additional materials submitted to the EPA on July 20, 2023. There, you informed the EPA, as required by 40 CFR 60.8(a)(1), that the City of Spokane intends to assert a claim of *force majeure* for an equipment failure resulting in the delay of a compliance test required by 40 CFR part 62, subpart FFF: *Federal Plan Requirements for Large Municipal Waste Combustors Constructed on or Before September 20, 1994*. As set forth below, the EPA is granting an extension to the performance test deadline under 40 CFR 60.8(a)(3).

Regulatory Basis

Pursuant to 40 CFR 62.14109(b), the owner or operator of an affected facility must comply with compliance and performance testing methods listed in 40 CFR 60.58b of subpart Eb. To assure continuous compliance with the hydrogen chloride emission limit specified in 40 CFR 60.52b(b)(2), the owner or operator of an affected facility must conduct an initial performance test, as required by 40 CFR 60.58b(f)(6), followed by ongoing tests annually (no more than 12 calendar months following the previous performance test, as required by 40 CFR 60.58b(f)(7)).

If the owner or operator of an affected facility is unable to conduct a performance test required by a standard in part 60, the owner or operator may request an extension of the test deadline on the grounds of a force majeure having occurred, as described in 40 CFR 60.8(a). The decision to grant an extension to the performance test deadline is solely within the discretion of the Administrator.

A force majeure is defined in 40 CFR 60.2 as:

[A]n event that will be or has been caused by circumstances beyond the control of the affected facility, its contractors, or any entity controlled by the affected facility that prevents the owner or operator from complying with the regulatory requirement to conduct performance tests within the specified timeframe despite the affected facility's best efforts to fulfill the obligation. Examples of such events are acts of nature, acts of war or terrorism, or equipment failure or safety hazard beyond the control of the affected facility.

Background

The City of Spokane owns and operates a Waste-to-Energy municipal waste combustor facility, located at 2900 South Geiger Boulevard, Spokane, Washington, that is used to burn the majority of municipal solid waste generated in Spokane County. According to the title V operating permit (AOP-3) issued by the Spokane Regional Clean Air Agency, the facility includes two mass-burn waterwall boilers for combusting municipal solid waste, each rated at 400 tons per day, equipped with selective non-catalytic reduction (anhydrous ammonia injection), carbon injection, spray dry adsorbers with lime slurry, and baghouses, and all ancillary operations. Emission point numbers 1-1A (Unit #1) and 1-1B (Unit #2) are combustors with Von Roll grates, rated at 183.33 MMBTU/hr.

On June 14, 2023, the City of Spokane provided a letter to the EPA asserting that a force majeure had occurred that delayed the scheduled annual performance testing. Testing was required to be completed by June 31, 2023, for Unit #1 and Unit #2 under 40 CFR part 62, subpart FFF. The City of Spokane began scheduled annual performance testing on Unit #1 and Unit #2 on June 5, 2023. Testing was completed successfully for Unit #2 prior to the June 31 deadline. However, the City of Spokane began experiencing an increasing number of grate stops on Unit #1 on June 6, and decided to bring Unit #1 offline overnight for repairs. During the repair, the City of Spokane discovered that a stationary grate support tube had broken, and the grates that moved waste and ash through the combustor that were supported by the tube had collapsed. Due to the malfunction, Unit #1 became inoperable. The grate support tube is physically inaccessible from any location other than the combustor interior; therefore, the grate support tube could not be repaired while the combustor was online. The City of Spokane was able to bring Unit #1 operations back online by June 18, 2023, prior to the June 31, 2023, test deadline, but despite its best efforts it was not possible to re-schedule the performance test until September 2023.¹

On July 20, 2023, the City of Spokane provided the EPA with additional details regarding the grate support tube failure. According to the City of Spokane, per facility procedure, facility staff performed inspections and maintenance on Unit #1 grates on June 4, 2023. The weekly inspection revealed no anomalies. The City of Spokane also performs two maintenance outages per year on both combustors. Scheduled maintenance and repairs were successfully completed in October/November 2022 for both combustors.

¹ The City of Spokane attempted to re-schedule the performance test via telephone conversations and emails dated on June 16 and 27, and July 10, 2023. However, the earliest feasible date to reschedule the test was in September of 2023, after the City of Spokane's testing deadline.

In an email dated July 20, 2023, the City of Spokane explained that the exact cause of the support tube failure is unknown but was believed to be related to a casting issue with the side grate blocks that destabilized the area. In an email dated August 14, 2023, the City of Spokane expressed how uncommon this type of malfunction is with the completion of weekly undergrate checks.

Determination

Based on the information provided by the City of Spokane, including details on the facility maintenance schedules, the uncommon nature of a malfunction of a grate support tube, and the attempts to reschedule the performance test as soon as Unit #1 was repaired and fully online, the EPA finds that the events described above were beyond the control of the affected facility or any entity it controlled. Due to these events, the EPA further finds that the City of Spokane was prevented from complying with its regulatory requirement to timely conduct its annual performance test as required by 40 CFR 60.58b(f)(7). Finally, the EPA finds that the City of Spokane used its best efforts to fulfill its obligation to comply with 40 CFR 60.58b(f)(7), where it conducts regular testing and maintenance to prevent such malfunctions, promptly attempted to repair Unit #1 when it discovered issues with its grates, and attempted to reschedule testing for the earliest feasible date. The City of Spokane completed the performance test for emission point number 1-1A by September 19, 2023. Ongoing compliance testing shall be performed according to the timelines specified in 40 CFR 60.58b(f)(7).

The EPA concludes that the events that prevented the City of Spokane from timely conducting its 2023 annual performance test as required by 40 CFR 60.58b(f)(7) constituted a “force majeure” as that term is defined at 40 CFR 60.2 and hereby approves an extension for the test deadline for Unit #1. The EPA’s decision to grant an extension of a performance test does not waive or alter any other requirement that applies to the combustor.

If you have any questions about this matter, please contact Ms. Valerie Gardner of my staff at (907) 271-6561 or gardner.valerie@epa.gov.

Sincerely,

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Karl Pepple, Manager
Air Permits and Toxics Branch
Air and Radiation Division

cc: Ms. April Westby
Spokane Regional Clean Air Agency

Mr. Scott Windsor
Spokane Regional Clean Air Agency