

Air Pollution Control Division

Ohio Environmental
Protection Agency

Canton City Health Department

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Serving All of Stark County

James M. Adams, RS, MPH
Health Commissioner

Terri A. Dzienis
APC Administrator

January 30, 2012

CERTIFIED MAIL

Mr. William Patrie
Marathon Petroleum Company
2408 Gambrinus Avenue SW
Canton, OH 44706

**Re: NOTICE OF VIOLATION – CEM Downtime Violation
Sulfur Recovery System (Emissions Units P011 and P016)
Marathon Petroleum Company LP - Canton Refinery
Stark County
Facility ID # 1576002006**

Dear William Patrie:

On October 27, 2011, the Canton City Health Department, Air Pollution Control Division (CCHD, APCD) received the Continuous Emissions Monitor (CEMS) Report for the Third Quarter, 2011. Ohio EPA has an internal policy which considers any period of excess emissions or CEM downtime greater than 5% of the total operating time of the emissions unit in any given calendar quarter to be unacceptably high. Warning letters were issued for P011 and P016 for the 4th quarter 2010, and the 1st quarter 2011, for CEMS excess emissions and downtime greater than 5% of the total operating time during said quarters. The frequency and length of the periods of CEM downtime for P011 and P016 during the third quarter 2011 are considered unacceptably high and indicative of unsatisfactory operation and maintenance practices and constitute violations of sections 40 CFR 63 Subpart A and Subpart UUU, as well as Ohio Revised Code (ORC) 3704.05 and terms and conditions of the facility's Title V operating permit.

Finding 1:

Continuous Emission Monitoring report for the Third Quarter 2011 indicated CEMS downtime for periods equal to 11.55%, which is greater than 5 percent of the total operating time during the said calendar quarter for sources P011 and P016.

Violation of:

40 CFR Part 63.6(e)(1)(i)

"At all times, including periods of startup, shutdown, and malfunction, 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."

40 CFR Part 63.1570(c)

"You must always operate and maintain your affected source, including air pollution control and monitoring equipment, according to the provisions in §63.6(e)(1)(i)..."

In the Title V permit for the MPC – Canton Refinery, Part III – P011 and P016 (page 542 & 603 respectively), section A.III.1, Monitoring and/or Record Keeping Requirements state:

“The permittee shall continuously monitor and record SO₂ and O₂ emissions from emissions units P011 and P016. The permittee shall operate and maintain the existing monitoring and recording equipment to demonstrate compliance with the applicable standards...The continuous monitoring and recording equipment shall be operated and maintained in accordance with the requirements specified in 40 CFR Part 60.13.”

Not operating the CEM for 11.55% of the time during the 3rd quarter while operating the sources P011 and P016 violates these rules and permit terms. This is the second violation of CEM downtime for P011 and P016 within a one-year period, which includes the fourth quarter of 2010 through the third quarter of 2011. The previous violation was documented in a warning letter dated March 14, 2011. Having downtime greater than 5% demonstrates improper maintenance and violates these rules and permit terms.

Finding 2:

According to the MPC Continuous Emission Monitoring Systems Quality Assurance Manual (CEMS QAQC Manual), dated September 29, 2009, the Canton Refinery Instrument Department is responsible for daily analyzer preventative maintenance and record-keeping, periodic adjustments and CEMS sample system repairs, if needed. The analyzer controller on the P011 and P016 CEM had frozen data for nine days before being acknowledged and repaired, which is an unacceptable response/action time.

Violation of:

In the Title V permit for the MPC – Canton Refinery, Part III – P011 and P016 (page 543 & 605 respectively), section A.III.1, Monitoring and/or Record Keeping Requirements state:

“The permittee must develop and implement a written startup, shutdown, and malfunction plan (SSMP) according to provisions in 40 CFR Part 63.6(e)(3).”

40 CFR Part 63.1570(e)

“During periods of startup, shutdown and malfunction, the permittee must operate in accordance with the SSMP.”

MPC was not operating in accordance with their SSMP, Revision 11, which under the Continuous Monitoring Systems section references the NSPS CEMS QAQC Manual. Per the CEMS QAQC Manual:

“40 CFR 60.2 defines a malfunction as any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner. Failures that are caused in part by poor maintenance or careless operation are not malfunctions. Furthermore, 40 CFR 60.13 requires monitoring systems to be in continuous operation except for system breakdowns, repairs, calibration checks, and zero and span adjustments.”

The CCHD, APCD does not feel that the entire nine days should count as a malfunction. It was carelessness that did not discover and repair the malfunction before nine days. If the daily analyzer preventative maintenance and record-keeping was performed properly it should not have gone nine days before being acknowledged and repaired.

40 CFR Part 63.8(c)(4)

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"Except for breakdowns, out-of-control periods, repairs, maintenance periods, calibration checks, and zero (low-level) and high-level calibration drift adjustments, all CMS, including COMS and CEMS, shall be in continuous operation and shall meet minimum frequency of operation requirements as follows:

(ii) All CEMS for measuring emissions other than opacity shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period."

Since MPC was not following their SSMP, a portion of the 9 day time period is not classified as a breakdown period or malfunction. Therefore, this is a violation of this rule.

Finding 3 and Violation:

Findings and Violations #1 and #2 above constitute a violation of ORC 3704.05 which states:

No person shall do the following..... "Violate any applicable requirements of a Title V permit or any permit condition, except for an emergency as defined in 40 CFR 70.6(g), or filing requirement of the Title V permit program, any duty to allow or carry out inspection, entry, or monitoring activities, or any rule adopted or issued by the director pursuant to the Title V permit program."

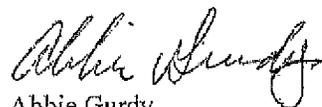
Requested Actions:

In the Third Quarter, 2011 CEMS Report it was noted that the Canton Refinery has purchased a new CEM for the thermal oxidizer (P011 and P016) and the replacement should be installed in the first quarter of 2012. Also, as interim measures to prevent reoccurrence, Marathon has created a robust freeze alarm function that will alert operations in the event the CEMS would freeze again. These actions are acceptable as corrective actions to the above violations. If the new CEM for the thermal oxidizer cannot be installed during the first quarter of 2012, and/or you should require an alternative corrective action plan, please provide one for consideration. Otherwise, no further action is required.

Please note that the Ohio EPA has the authority to seek civil penalties as provided in section 3704.06 of the Ohio Revised Code (ORC). This letter or information pursuant to this letter does not constitute a waiver of Ohio EPA's authority to seek civil penalties as provided in the ORC. The decision on whether or not to seek such penalties will be made by the Ohio EPA at a later date.

If you have any questions, please contact me at 330-489-3385 or email: agurdy@cantonhealth.org.

Sincerely,



Abbie Gurdy
Canton City Health Department

cc: Tom Kalman, Central Office, Ohio EPA
William MacDowell, Region 5, U.S. EPA

