



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Rd.
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468
www.epa.state.oh.us

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

Re: Williams County
Bryan Municipal Light & Water
Utilities Company
Premise # 03 86 01 0036
Premise # 03 86 01 0200
Notice of Violation

September 18, 2009

CERTIFIED MAIL

Mr. Matt Killion
Bryan Municipal Light & Water Utilities Company
841 E. Edgerton Street
Bryan, Ohio 43506

Dear Mr. Killion:

This letter shall serve as a follow-up to the inspection that was conducted at your County Road C facility on September 9, 2009, by Jennifer Jolliff and this writer from the Division of Air Pollution Control (DAPC) at the Northwest District Office (NWDO). Based on discussions and observations during the inspection, along with a review of the company's files, my findings are as follows:

1. Per the facility's TV permit, Bryan Municipal is required to submit quarterly, semi-annual and annual reports for the 16 MW Generator (B001). The company failed to submit any reports from both facilities since the first quarter of 2008. These are violations of the terms and conditions of the TV permits, PTI# 03-3025, and Ohio Revised Code 3704.05.
2. Bryan Municipal is recording the monthly total of the hours B001 and the emergency generators operated for both facilities. However, the company failed to record on an annual basis for B001, or on a 12-month rolling basis for each emergency generator, the number of operating hours for each respective emissions unit. These are violations of the terms and conditions of the TV permits, OAC rule 3745-31-03(A)(4)(b)(i) and Ohio Revised Code 3704.05.
3. On March 30, 2009 our office received Bryan Municipal's compliance certification reports from both facilities for 2008. Both reports stated that the company did not have any deviations during the entire year.



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However, based on the above inspection findings, the company must contact Julie Budge in our office to correct these compliance certification reports.

This office is requesting the facility submit a written response to this letter by October 1 23, 2009, which includes, at a minimum, action plans to correct all the issues noted above and the dates they were corrected. Please be advised that the submission of the requested information to respond to this letter does not constitute waiver of the Ohio EPA's authority to seek civil penalties pursuant to ORC section 3704.06. The Ohio EPA will make a decision on whether to pursue or decline to pursue such penalties regarding this matter at a later date.

Thank you for the courtesy extended during our visit. Should you have any questions regarding this letter, please feel free to directly contact me at 419-373-3136.

Sincerely,



Jay P. Liebrecht
Environmental Specialist

/llr

pc: Don Waltermeyer, DAPC-NWDO
Sam Araj, DAPC-NWDO
Tom Kalman, DAPC, CO
Lisa Holscher, US EPA-Region V
NWDO Follow-up File
DAPC NWDO File
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