



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

May 1, 2013

**Franklin County
Nationwide Children's Hospital
Ohio ID Number 0125040588
Air Compliance Evaluation**

Mark Shumaker
Nationwide Children's Hospital
561 S. 17th Street
Columbus, OH 43205

Re: **Notice of Violation** based upon the April 18, 2013, Nationwide Children's Hospital full air compliance evaluation

Dear Mr. Shumaker:

Ohio EPA Central District Office (CDO) inspectors Barbara Walker and Stephanie Habinak conducted a full compliance inspection of Nationwide Children's Hospital on April 18, 2013. The purpose of the inspection was to evaluate compliance with the terms and conditions of the applicable Federally Enforceable Permit-to-Install and Operate (FEPTIO).

Listed below are "Findings" based upon CDO observations and conversations with facility personnel. The findings are followed by "Violation(s)" (if applicable) and "Requested Action(s)" necessary to address stated findings and violations.

1. **Finding:** Unpermitted installation of air contaminant sources

CDO personnel were provided information regarding the installation and operation of several air contaminant sources, including several Caterpillar generators, which may require permits to install and operate or which may be eligible for the permit-by-rule exemption.

Violation:

The installation and operation of an air contaminant source without first obtaining a permit-to-install and operate (PTIO) is considered a violation of Ohio Administrative Code (OAC) 3745-31-02(A) which states:

"No person shall cause, permit, or allow the ... installation, or modification and subsequent operation of any new source ... without first obtaining a PTIO from the director."

Violations of OAC 3745-31-02 are also considered a violation of Ohio Revised Code (ORC) 3704.05(A), which states:

"No person shall cause, permit, or allow emission of an air contaminant in violation of any rule adopted by the director of environmental protection."

Requested Action:

CDO requests that Nationwide Children's Hospital compile an inventory of all air contaminant sources and their potential emissions to determine if permits-to-install and operate (PTIOs) or permits-by-rule (PBRs) are required. If a PTIO or a PBR is required, please submit a complete application for that equipment within thirty (30) days of receipt of this letter.

If Nationwide Children's Hospital determines that a PTIO or a PBR is not required for any air contaminant source, please provide CDO information demonstrating why that air contaminant source does not need a PTIO or a PBR, including all guidance, calculations, references, assumptions, and supporting documents.

2. **Finding:** Failure to perform monitoring and recordkeeping

During the facility compliance evaluation on April 18, 2013, CDO personnel requested to review monitoring records being maintained by Nationwide Children's Hospital. CDO personnel were informed that no records for Number 2 Fuel Oil could be provided.

Violation:

Operation of emission units B017, B018, and B019 without maintaining required records is a violation of the terms and conditions of permit-to-install and operate PTIO P0105112, which requires the permittee to maintain records of the following information:

- c. *the total number of gallons of No. 2 fuel oil used in this boiler each month;*
- d. *during the first 12 calendar months of operation, the permittee shall record the cumulative number of gallons of No. 2 fuel oil used in this boiler and, subsequently, as the first 12 calendar months of operation, the rolling, 12-month summation of the gallons of No. 2 fuel oil used."*

Violations of the permit terms and conditions of PTIO P0105112 are also considered violation of Ohio Revised Code (ORC) 3704.05(C) which states:

"No person who is the holder of a permit ...shall violate any of its terms or conditions."

Requested Action:

CDO requests that Nationwide Children's Hospital immediately comply with all monitoring and recordkeeping requirements in accordance with the terms and conditions of PTIO P0105112 for emission units B017, B018, and B019.

3. **Finding:** Failure to perform required reporting

Prior to the inspection on April 18, 2013, CDO personnel observed the required quarterly reports had not been submitted through eBusiness Center: Air Services.

Violation:

Failure to submit quarterly reports for B017, B018, and B019 is a violation section C.1.e)(2) and C.2.e)(2) of the terms and conditions of PTIO P0105112.

Violations of the permit terms and conditions of PTIO P0105112 are also considered violation of Ohio Revised Code (ORC) 3704.05(C).

Requested Action:

CDO requests that Nationwide Children's Hospital immediately comply with all reporting requirements in accordance with the terms and conditions in PTIO P0105112.

Additional Information

Nationwide Children's Hospital is a Synthetic Minor Title V (SMTV) facility. All SMTV facilities are required to submit certain reports via the eBusiness Center: Air Services, which is accessed through the eBusiness Center. The eBusiness Center may be reached from the Ohio EPA home page at <http://www.epa.ohio.gov> or directly at <http://ebiz.epa.ohio.gov>.

If at some time in the future this facility plans to install additional air contaminant sources or modify an existing air contaminant source, please contact Ohio EPA, Central District Office to obtain appropriate forms and discuss the applicability of any rules in question. Ohio EPA endeavors to process all applications in an expeditious manner.

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.

Mark Shumaker
Nationwide Children's Hospital
Page -4-

If you have any questions, please contact Barbara Walker of my staff at (614) 728-3805 or Barbara.walker@epa.ohio.gov.

Sincerely,



Bryon Marusek
Supervisor, Permits and Compliance
Division of Air Pollution Control
Central District Office

Enclosures

c: Kelly Toth, Manager, CDO/DAPC

e: Kelly Saavedra, CDO/DAPC
Barbara Walker, CDO/DAPC
John Paulian, CO/DAPC
Bryon Marusek, CDO/DAPC

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