

NON-HRV

**SOUTHWEST OHIO
AIR QUALITY AGENCY**

April 30, 2013

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Andrew Roebel
Duke Energy Zimmer Station
P.O. Box 960, EM740
Cincinnati, Ohio 45202

Re: Notice of Violation for insufficient continuous emission monitor data capture, Fourth Quarter, 2012

Facility ID: 1431090154
Emissions Unit: B006
Location: US Route 52
Moscow, Ohio 45153
Clermont County

Dear Mr. Roebel:

The Fourth Quarter, 2012 Excess Emissions Report (EER) submitted by Duke Energy Zimmer Station has been reviewed by the Southwest Ohio Air Quality Agency (SWOAQA). Data summaries in the EER indicate continuous emission monitor (CEM) data capture less than the required 95 percent for the emissions unit B006. The EER indicates the NOx CEM had 12.21 percent downtime and that the SO2 CEM had 11.62 percent downtime.

This exceedance constitutes a violation of the terms and conditions of Permit #P0097734 issued on January 3, 2005. The violations identified above also constitute a violation of ORC 3704.05(C).

Due to insufficient data capture, please submit a plan outlining steps to be taken to improve the data capture. This plan should be submitted by May 17, 2013. Acceptance by the Ohio EPA of a schedule for compliance does not constitute a waiver of the Ohio EPA's authority to seek civil penalties as provided in section 3704.06 of the Ohio Revised Code. The determination to pursue or decline such penalties in this case will be made at a later date. Failure to comply with the requirements of this letter may result in additional enforcement action including possible referral of this case to the Office of the Attorney General.

Should you have any questions, please contact me at 946-7716.

Sincerely,


Michael D. Schierloh
Environmental Compliance Specialist

ec: Bruce Weinberg, Central Office, Ohio EPA
Brian Dickens, Region 5 U.S. EPA

