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

5/23/2013

NOTICE OF VIOLATION
CERTIFIED MAIL

Frank Johnston
Fluor-B&W Portsmouth LLC
3930 U.S. Route 23 South
P.O. Box 548
Piketon, OH 45661

Helpful Links
eBusiness Center
https://ebiz.epa.ohio.gov

Ohio EPA Answer Place
http://ohioepa.custhelp.com
Search keywords to find answers and tutorials on emissions reporting and Air Services.

Re: 2012 Compliance Certification due in 30 Days
Facility ID: 0666005004
Fluor-B&W Portsmouth LLC
Location: 1862 Shyville Road
Piketon, OH 45661-0628

Dear Permit Holder,

A Title V compliance certification for the reporting year 2012 was due by April 30, 2013 for the facility identified above. Failure to submit the report by April 30, 2013 is a violation of Ohio Administrative Code (OAC) rule 3745-77-07(B)(5), the terms and conditions of your Title V Permit, and Ohio Revised Code (ORC) section 3704.05(C). This letter serves as a notice that failure to fulfill your obligation to submit the report will result in the initiation of an Enforcement Action Request. **Please respond within thirty days of receipt of this letter with a Title V compliance certification for 2012 submitted via the eBusiness Center: Air Services.**

The reporting period is from January 1 to December 31. If the initial Title V permit for the facility was issued during the reporting year then the reporting period would be from the effective date of the Title V permit through December 31. If the facility permanently shut down all operations, or had the Title V permit expire and is no longer subject to OAC Chapter 3745-77, then the reporting period would be from January 1 to the date either of those events occurred. If the permit was modified during the calendar year, the certifications must reflect certification of the permit terms and conditions as applicable pre and post permit modification respectively.

A hard copy of the compliance certification must be sent to U.S. EPA. In Air Services you can print a hard copy. The document produced does not have signature certification language on it. A supplemental document containing the certification signature language is available on the Division of Air Pollution Control Title V Web page (www.epa.ohio.gov/dapc). The documents should be sent to: Administrator U. S. EPA c/o Director, Air and Radiation Division, U.S. EPA Region 5, 77 W. Jackson Blvd., AE-17J, Chicago, IL 60604.

Frank Johnston
Fluor-B&W Portsmouth LLC
5/23/2013

This letter or information pursuant to this letter does not constitute a waiver of the Ohio Environmental Protection Agency's (EPA) authority to seek civil penalties as provided in Section 3704.06 of the Ohio Revised Code. Ohio EPA will determine later whether to pursue such penalties in this case.

If you need assistance with Air Services, contact Elisa Thomas at (614) 644-3621. If you have any questions concerning this requirement, please contact Daniel Canter of the Ohio EPA DAPC, Southeast District Office at (740)385-8501.

Sincerely,

Robert Hodanbosi
Chief, Division of Air Pollution Control

cc: Bruce Weinberg, DAPC
John Paulian, DAPC
Drew Bergman, Legal Office
Brian Dickens, Region 5 U.S. EPA
Ohio EPA DAPC, Southeast District Office