

# AIR POLLUTION CONTROL DIVISION

OHIO EPA AGENCY 15 • APC CONTRACTUAL REPRESENTATIVE SERVING ALL OF STARK COUNTY



**Public Health**  
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**TERRI A. DZIENIS**  
APCD ADMINISTRATOR

**JAMES M. ADAMS, RS, MPH**  
HEALTH COMMISSIONER

## CANTON CITY HEALTH DEPARTMENT

420 MARKET AVENUE NORTH  
CANTON, OHIO 44702-1544  
PHONE: (330) 489-3385 • FAX: (330) 489-3335  
WEB: WWW.CANTONHEALTH.ORG

### CERTIFIED MAIL

JUNE 11, 2013

Betsy Poole  
Aultman Health Facility  
2600 Sixth Street S.E.  
Canton, OH 44710-1799

**Re: NOTICE OF VIOLATION of installation and operation of air contaminant sources without a permit  
RESOLUTION OF VIOLATION of installation and operation of air contaminant sources w/o a permit  
Aultman Health Facility located at 2600 Sixth Street S.W., Canton, OH 44710, Stark County  
Facility ID # 1576050179**

Dear Betsy Poole:

On March 13, 2013, Inspector Linda Morckel of this office, Canton City Health Department, Air Pollution Control Division (Canton LAA) visited the Aultman Health Facility in response to an anonymous complaint received that day of fumes and noise originating from a vented brick building on the facility grounds. Inspector Morckel spoke to an Aultman employee near the building and was informed that the facility had just installed new electric generators and was currently testing them and expected testing would be finished by the end of the week. Canton LAA received no other subsequent complaints throughout the testing period. Inspector Morckel relayed this information to me, since I am the assigned Engineer for this facility. I reviewed our files, and did not locate any air permit applications or notification forms submitted for these new emergency generators.

During a meeting with you at Canton LAA's office on April 24, 2013, to discuss air permitting issues for a proposed new boiler installation, I advised that the (2) new emergency generators that were recently installed required either an air Permit-to-Install-and-Operate (PTIO) or a Permit-by-Rule (PBR) exemption.

### **Finding:**

As a result of the complaint investigation of March 13, 2013, by Inspector Linda Morckel, this office learned that the referenced facility has installed and operated air contaminant sources prior to applying for and obtaining an air PTIO or PBR exemption from the Ohio Environmental Protection Agency (Ohio EPA). More specifically, two emergency electric generators identified as emissions units P009 and P010 were installed and operated on or before March 13, 2013, while the PBR exemption notifications were not submitted until April 29, 2013, after requested.

### **Violation of:**

The installation and operation of any stationary air pollution source without first applying for and obtaining a PTIO constitutes a violation of Ohio Administrative Code (OAC) rule 3745-31-02. The OAC rule 3745-31-02(A) states that:

*"...no person shall cause, permit, or allow the installation or modification, and subsequent operation of a new source [of air pollutants]...without first obtaining a PTIO from the director."*

For certain source types that meet the criteria of permit-by-rule in OAC rule 3745-31-03(A)(4), the following rules apply:

OAC rule 3745-31-03(A) states:

*“A permit-to-install or PTIO as required by rule 3745-31-05 of the Administrative Code must be obtained for the installation or modification, and operation of an air contaminant source unless exempted from the requirements as follows...”*

OAC rule 3745-31-03(A)(4) states:

*“The following air contaminant sources are exempt from the requirement to obtain a permit-to-install or PTIO. These exemptions are valid only as long as the owner or operator complies with all of the permit-by-rule general provisions,...”*

OAC rule 3745-31-03(A)(4)(a)(ii), which is one of the PBR general provisions, states that:

*“...The owner or operator of a new permit-by-rule air contaminant source electing to use an applicable permit-by-rule exemption shall submit a written notification in a form and manner prescribed by the director prior to installation of the air contaminant source. This notification, or form, shall be submitted to the appropriate Ohio environmental protection agency district office or local air agency...”*

The installation of the (2) new emergency electrical generators without first submitting an appropriate PBR Notification Form constitutes a violation of OAC rule 3745-31-03(A)(4)(a)(ii), which then eliminates the applicability of the exemption listed in OAC rule 3745-31-03(A)(4) and violates OAC rule 3745-31-02 for not obtaining a PTIO.

The violation of OAC rule 3745-31-02 and OAC rule 3745-31-03 is also a violation of Ohio Revised Code (ORC) 3704.05(A), which states in part:

*“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 Actions and Resolution of Violation:**

On April 25, 2013, I sent you an email containing a link to Ohio EPA’s website for obtaining PBR Notification Forms and Instructions. On April 29, 2013, this office received the appropriate, complete PBR Notification Form for each of the emergency electric generators. The PBR Notification Forms were reviewed and accepted and on May 3, 2013, Ohio EPA issued PBR10750 for emissions unit P009 (GEN-1) and PBR10751 for emissions unit P010 (GEN-2). The violation noted above has therefore been addressed and is now considered resolved.

This office requests that Aultman Health Center not violate this rule again. If at some time in the future this facility plans to install or modify an air contaminant source, please contact me to obtain the 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, even though this violation is resolved, this does not preclude the Ohio EPA from seeking civil penalties pursuant to ORC 3704.06. The decision on whether to pursue or decline to pursue such penalties regarding this matter is dependent on several factors, one of which is the facility’s future compliance with applicable Ohio EPA requirements.

If you have any questions, please contact me at 330-489-3385 or E-mail: [epabin@cantonhealth.org](mailto:epabin@cantonhealth.org).

Sincerely,

*Edward J. Pabin*

Ed Pabin  
Air Pollution Control Engineer  
Canton City Health Department