

CITY OF TOLEDO



DEPARTMENT OF PUBLIC UTILITIES

July 30, 2013

CERTIFIED MAIL

NOTICE OF VIOLATION

Mr. Terry Phipps
Linde Gas NA LLC
2226 Navarre Rd., Gate 15
Oregon, Ohio 43616

Re: Notice of Violation - Regarding CEM Excess Downtime

Dear Mr. Phipps:

Enclosed is a "Notice of Violation" for Linde Gas NA LLC, (Ohio EPA premise number 0448020085) which is in non-compliance with the Permit to Operate permit. Please review this document carefully as some action is required on your part.

If you have any questions regarding this matter, feel free to contact me at (419) 936-3955.

Sincerely,

Pamela Barnhart
Environmental Engineer

cc: Timothy D. Murphy, Commissioner, TDES
Karen Granata, TDES
Bill Jennings, Senior Attorney
John Paulian, Ohio EPA
Brian Dickens, U.S. EPA

NOTICE OF VIOLATION

The City of Toledo Division of Environmental Services (TDES) hereby serves notice that:

Linde Gas NA LLC
Premise No. 0448020085
2226 Navarre Rd., Gate 15
Oregon, Ohio 43616

has violated the following environmental laws, orders, rules, or regulations on the indicated dates at the above address.

Dates of Violations

Second Quarter of 2013

<u>Regulations Violated</u>	<u>Description of Violations</u>
40 CFR Part 60.13(e); ORC 3704.05(C); and PTIO Permit P0088578 issued 3/4/2008, Emissions Unit P002: Term C.11. "The permittee shall install, operate, and maintain equipment to continuously monitor and record NOx emissions from this emissions unit in units of the applicable standard(s)."	The second quarter report of 2013 indicates that the continuous emissions monitor for NOx had monitoring data unavailable greater than 5% of the time while operating the emissions unit.

The above violation(s) may subject the violator to **penalties** of up to \$25,000 per violation. It is possible that a penalty will be assessed in this case. If a penalty is to be assessed, the amount will be determined after your response is reviewed.

Required Actions

Within 14 days of receipt of this Notice of Violation, you shall:

1. Abate the violations or provide for an acceptable remedy.
2. Reply in writing to this Notice of Violation. The reply shall include:
 - a. detailed descriptions and dates of actions taken thus far to abate the violations;
 - b. detailed descriptions and expeditious time schedule of actions taken or yet to be taken to remedy the violations and excess emissions, including options reviewed but not implemented; and
 - c. descriptions of actions taken or to be taken to prevent recurrence of the violations.

Recommended Actions

1. Make future CEM repairs in a timely manner and ensure that the continuous emissions monitor is working properly.

Your written response and any questions regarding this Notice of Violation should be directed to Pam Barnhart at the City of Toledo, Division of Environmental Services, 348 S. Erie Street, Toledo, Ohio 43604, or call (419) 936-3955.