

CITY OF TOLEDO



DEPARTMENT OF PUBLIC UTILITIES

Sept. 11, 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 of the CGA's for the NOx CEMs

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 (TES) 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 half of 2012 and first half of 2013

<u>Regulations Violated</u>	<u>Description of Violations</u>
<p>40 CFR 60, Appendix F, Procedure 1 Section 7; ORC 3704.05(C); and PTIO Permit P0088578 issued 3/4/2008, Emissions Units P001 and P002: Term D.9.h.</p> <p>"The permittee shall comply with the following quarterly reporting requirements for the emissions unit and its continuous NOx monitoring system..... h. results and date of quarterly cylinder gas audits"</p>	<p>The third and fourth quarterly reports of 2012 and the first and second quarterly reports of 2013 indicates that the cylinder gas audits were performed but the results of the cylinder gas audits (CGA) were not reported as required by the permit reporting requirements.</p>
<p>40 CFR 60, Appendix F, Procedure 1 Section 5; ORC 3704.05(C); and PTIO Permit P0088578 issued 3/4/2008, Emissions Units P001 and P002: Term E.3.</p> <p>"Ongoing compliance with the NOx emissions limitations contained in this permit shall be demonstrated through the data collected as required in the Monitoring and Record keeping Section of this permit; and through demonstration of compliance with the quality assurance/quality control plan, which shall meet the testing and recertification requirements of 40 CFR Part 60."</p>	<p>The facility sent two semiannual reports both dated 8/30/2013 for the second half of 2012 and the first half of 2013 that identified errors in performing the cylinder gas audits on the NOx CEMs in accordance with 40 CFR 60 and Appendix F.</p>

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. Submit the QA/QC plan as required by 40 CFR 60, Appendix F., Procedure 1., Section 3. and term F.1 of Permit P0088578. If it was recently revised, also submit a copy of the plan before the latest revision for comparison.
2. In the future, perform the quarterly CGA as required by 40 CFR 60, Appendix F., Procedure 1, section 5.1.2.
3. Submit all future CGA results in the quarterly reports as required by Permit P0088578.

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.