

# AIR POLLUTION CONTROL DIVISION

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



**Public Health**  
Prevent. Promote. Protect.

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HEALTH COMMISSIONER

## CANTON CITY HEALTH DEPARTMENT

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### CERTIFIED MAIL

SEPTEMBER30, 2013

Mr. William Patrie  
Marathon Petroleum Company, LP  
2408 Gambrinus Ave., S.W.  
Canton, OH 44706

**Re: NOTICE OF VIOLATION – CEMS Downtime Violation; General Non-compliance  
South Area Fuel Drum (Emissions Units B015, B016, B019, B020, B021, B022, B023, B027, B031, B033)  
Marathon Petroleum Company, LP – Canton Refinery  
Stark County  
Facility ID #1576002006**

Dear Mr. Patrie,

On July 30, 2013, the Canton City Health Department, Air Pollution Control Division (CCHD, APCD) received the Continuous Emissions Monitor (CEMS) Report for the Second Quarter 2013. Ohio EPA has an internal policy which considers any period of excess emissions or CEM downtime greater than 5% of the total operating time of the emissions unit in any given calendar quarter to be unacceptably high. The frequency and length of the periods of CEM downtime for the South Area Fuel Drum during the second quarter 2013 are considered unacceptably high and indicative of unsatisfactory operation and maintenance practices and constitute violations of sections 40 CFR 60 Subpart A, Ohio Revised Code (ORC) 3704.05 and the terms and conditions of the facility's Title V operating permit.

### **Finding 1:**

Continuous Emission Monitoring report for the Second Quarter 2013 indicated CEMS downtime for periods equal to 5.40%, which is greater than 5 percent of the total operating time during the said calendar quarter for sources B015, B016, B019, B020, B021, B022, B023, B027, B031, and B033.

### **Violation of:**

40 CFR Part60.11(d)

*“At all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions.”*

In the Title V permit for the MPC – Canton Refinery, Part III - B015, B016, B019, B020, B021, B022, B023, B027, B031, and B033 (page 212, 219, 226, 233, 240, 247, 254, and 280 respectively), section A.III.2, Monitoring and/or Record Keeping Requirements state:

*“The permittee shall operate and maintain existing equipment to continuously monitor and record the concentration of H<sub>2</sub>S in the refinery fuel gas burned in this emissions unit...Continuous monitoring and recording equipment shall comply with the requirements specified in 40 CFR Part 60.13...”*

This is also stated in Permit-to-Install 15-01634 – B031 (page 13), section A.III.2, Monitoring and/or Record Keeping Requirements and in permit #P0103891, Part C. – B033 (page 16), section 1.d)(1), Monitoring and/or Recordkeeping Requirements.

Not operating the CEM for 5.40% of the time during the second quarter while operating the sources B015, B016, B019, B020, B021, B022, B023, B027, B031, and B033 violates these rules and permit terms. Having downtime greater than 5% demonstrates improper maintenance and violates these rules and permit terms.

**Finding 2 and Violation:**

Finding and Violation #1 above constitutes a violation of ORC 3704.05 which states:

No person shall do the following... *“Violate any applicable requirements of a Title V permit or any permit condition, except for an emergency as defined in 40 CFR 70.6(g), or filing requirement of the Title V permit program, any duty to allow or carry out inspection, entry, or monitoring activities, or any rule adopted or issued by the director pursuant to the Title V permit program.”*

**Requested Actions:**

In the Second Quarter, 2013 CEMS Report it was noted that the Canton Refinery had called a technician from Siemens to come to the refinery to troubleshoot the analyzer. In the meantime, MPC received approval from Todd Brown of Ohio EPA Central Office to install a temporary analyzer to avoid any further downtime. However, the Siemens technician was able to repair the existing analyzer by the time the temporary analyzer was received; the temporary analyzer was used as a backup until the end of the quarter. These actions are acceptable as corrective actions to the conditions which caused the above violations,

Please submit a written corrective action plan describing the actions taken to prevent future exceedances of down time from occurring by November 1<sup>st</sup>, 2013.

CCHD,APCD considers the above listed violations to be a first-time violation of the downtime from the subject CEMS since there has been no downtime higher than 5% over the past 3 years for the subject CEMS. Therefore, CCHD,APCD considers the above listed violations to be in the category of “general non-compliance” as defined under the current Ohio EPA policy known as the Compliance Assurance Through Enforcement Program (CATEP) because they are first-time violations of short duration that involve negligible environmental harm. Please be advised that future violations will be considered differently.

Please note that the Ohio EPA has the authority to seek civil penalties as provided in section 3704.06 of the Ohio Revised Code (ORC). This letter or information pursuant to this letter does not constitute a waiver of Ohio EPA’s authority to seek civil penalties as provided in the ORC. The decision on whether or not to seek such penalties will be made by the Ohio EPA at a later date.

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

Sincerely,



Marisa Toppi  
Air Pollution Control Engineer  
Canton City Health Department