

CITY OF TOLEDO



DEPARTMENT OF PUBLIC UTILITIES

May 15, 2007

CERTIFIED MAIL

Mr. Ed Labo, Engineering Manager
The J.M. Smucker Company
1250 Laskey Road
Toledo, OH 43612

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Re: Notice of Violation

Mr Labo;

Enclosed please find a "Notice of Violation" for The J.M. Smucker Company, Ohio EPA 0448010064 Sources, P087, P088. Please review this document carefully as some action is required on your part.

If you have any questions, please feel free to contact me.

Yours from Toledo - a City of the Future!


Joslyn R. Summers
Engineer

* fDi Magazine-April 2007
JS/js

Enclosure

cc: T. Casey Stephens, Commissioner, TDES
Karen Granata, P.E., Chief-Air Resources, TDES
Lisa Holscher, USEPA Law Department
John Paulian, OEPA DAPC Central Office

NOTICE OF VIOLATION

May 15, 2007

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

The J.M. Smucker Company
1250 Laskey Road
Toledo, OH 43612

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

Dates of Violation(s)

03/01/06 – 04/26/07

Regulation(s) Violated

Ohio Revised Code §3704.05.(A)

“No person shall cause, permit, or allow emission of an air contaminant in violation of any rule adopted by the director of environmental protection.”

Sources and Description of Violation(s)

Affected sources, P087 and P088, applicable terms and conditions, A.III.1 and A.IV.1.

Per permit to install 04-01440 issued 03/01/06, the permittee is required to perform and record the results of daily VE checks and submit semi annual written reports for any observed emissions and corrective actions. As of an inspection performed 04/26/07, no such monitoring, record-keeping or reporting has taken place.

The above violation(s) may subject the violator to penalties of up to \$25,000 per violation. It is possible that a penalty may 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 2 weeks of receipt of this Notice of Violation, you shall:

1. Abate the violation(s) or provide for an acceptable remedy.
2. Reply in writing to this Notice of Violation. The reply shall include:
 - a. description(s) and date(s) of action(s) taken thus far to abate the violation(s).
 - b. description(s) and expeditious time schedule of action(s) yet to be taken to remedy the violation(s).
 - c. description(s) of action(s) taken or to be taken to prevent recurrence of the violation(s).

Your written response and any questions regarding this Notice of Violation should be directed to Joslyn Summers at the Division of Environmental Services, 348 S. Erie Street, Toledo, Ohio 43604, or call 419-936-3942.

The submission of the above requested information does not constitute a waiver of Ohio EPA's authority to seek civil penalties pursuant to Ohio Revised Code § 3704.06. Ohio EPA will make a decision on whether to pursue or decline to pursue such penalties regarding this matter at a later date.