

CITY OF TOLEDO



DEPARTMENT OF PUBLIC UTILITIES

5/7/2009



Certified Mail

Michael Valigosky
University of Toledo Health Science Campus
3000 Arlington Ave
Toledo, OH 43614-2598

Re: NOTICE OF VIOLATION

Dear Michael Valigosky:

Enclosed, please find a "Notice of Violation" for University of Toledo Health Science Campus, Ohio EPA Source No. 0448010247 B002 "Wickes 93.3 MMBTU/HR Coal Fired Boiler". Please review this document carefully as some action, including a written response, is required on your part.

If you have any questions, please E-mail me at brad.faggionato@epa.state.oh.us or phone me at 419-936-3963.

Sincerely,

A handwritten signature in cursive script, appearing to read "Brad Faggionato".

Brad Faggionato
Toledo Department of Environmental Services

Cc: Timothy Murphy, Commissioner, Environmental Services
Karen Granata, P.E., Chief of Air Resources
Joyce Anagnos, Senior Attorney, City of Toledo
John Paulian, Central Office, Ohio EPA
Lisa Holscher, U.S. EPA Region V

Notice of Violation

May 7, 2009

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

University of Toledo Health Science Campus
3000 Arlington Ave
Toledo, OH 43614-2598

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

Dates of Violation

February 20 through February 26, 2009 and February 28 through March 5, 2009

Regulation(s) Violated

ORC 3704.05(C) – No person who is the holder of a permit issued under division (F) or (G) of section 3704.03 of the Revised Code shall violate any of its terms and conditions.

Description of Source(s) and Violation(s)

The air permit (Title V effective 10/28/97) for University of Toledo Health Science Campus requires the permittee to maintain records of all data obtained by the continuous opacity monitoring system including, but not limited to, percent opacity on a 6- minute block average basis, results of daily zero/span calibration checks, and magnitude of manual calibration adjustments. The permittee failed to keep records for the time span of 14,820 minutes or 11% of the recording time for the 1st quarter of 2009 on the dates listed above.

The above violation 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 assessed, the amount will be determined after your response is reviewed.

Required Actions

Within two weeks of receipt of this letter, you shall:

1. Abate the violation 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 of action(s) taken or to be taken to prevent recurrence of the violation(s).

Please submit to this office a plan and schedule for achieving compliance. Submit this plan to the attention of Brad Faggionato.

Acceptance by the Ohio EPA of a compliance plan and schedule does not constitute a waiver of the Ohio EPA's authority to seek civil penalties as provided in Section 3704.06 of the Revised Code. The determination to pursue or to decline to pursue such penalties in this case will be made by the Ohio EPA at a later date.