

# CITY OF TOLEDO



## DEPARTMENT OF PUBLIC UTILITIES

September 9, 2008

### CERTIFIED MAIL

Mr. Larry Rowley, Plant Manager  
Tembec BTL SR Inc.  
2112 Sylvan Avenue  
Toledo, Ohio 43606

Re: Notice of Violation

Dear Mr. Rowley:

Enclosed, please find a "Notice of Violation" for Tembec BTL SR Inc. (Ohio EPA Facility ID 0448010370, P007-P012) located at 2112 Sylvan Avenue. Please review this document carefully as some action is required on your part.

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

From Toledo – an International Award Winning City!

A handwritten signature in cursive script that reads "Mary Lehman-Schmidt".

Mary Lehman-Schmidt, P.E.

Enclosure  
MJLS/mjls

cc: Cynthia Erchenbrecher, EHS Manager, Tembec BTL SR Inc.  
Timothy D. Murphy, Commissioner, TDOES  
Karen Granata, P.E., Chief of Air Resources, TDOES  
Joyce Anagnos, Senior Attorney, Law Department  
John Paulian, OEPA  
Lisa Holscher, USEPA Region V

**NOTICE OF VIOLATION**

September 9, 2008

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

Tembec BTL SR Inc.  
2112 Sylvan Avenue  
Toledo, Ohio 43606

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

Dates of Violation(s)

Violation September 4, 2008

<u>Regulation(s) violated</u>	<u>Description of Source(s) and Violations(s)</u>
ORC 3704.05 Prohibited acted. (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 or conditions.	The facility inspection of Tembec BTL SR Inc. on 9/4/2008 determined that the pressure differential monitoring and recordkeeping was inadequate to demonstrate compliance with permit term III.A.III.1 for emissions units P007 through P012 of the facility's Title V permit issued 3/14/2005.
40 CFR 63.1415 - Each owner or operator of an emission point located at an affected source that uses a control device to comply with the requirements of this subpart and has one or more parameter monitoring level requirement specified under this subpart, shall install the monitoring equipment specified in paragraph (b) of this section in order to demonstrate continued compliance with the provisions of this subpart. All monitoring equipment shall be installed, calibrated, maintained, and operated according to manufacturer's specifications or other written procedures that provide adequate assurance that the equipment would reasonably be expected to monitor accurately.	

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 letter, 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 Mary Lehman-Schmidt at the Division of Environmental Services, 348 S. Erie Street, Toledo, Ohio 43604

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.