

CITY OF TOLEDO

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DEPARTMENT OF PUBLIC UTILITIES

April 15, 2011

CERTIFIED MAIL

Mr. William Lahner
Crown Cork and Seal
5201 Enterprise Blvd
Toledo, Ohio 43612

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Re: Notice of Violation (HPV-GC7)

Dear Mr. Lahner:

Enclosed, please find a "Notice of Violation" for Crown Cork and Seal, Ohio EPA Premise No. 0448010466, K005, "36 inch coil coating line (North Coater)". Please review this document carefully as some action, including a written response, is required on your part.

If you have any questions, please feel free to contact me at 419-936-3942 or at Dan.Pittman@toledo.oh.gov.

Sincerely,

Dan Pittman
Engineering Associate

Enclosure

cc: John Kupa, EHS Coordinator, Crown Cork and Seal
John Paulian, OEPA
William MacDowell, USEPA Region V
Timothy D. Murphy, Commissioner, TES
Karen Granata, Chief, Air Resources, TES
Joyce Anagnos, Senior Attorney, City of Toledo

Timothy D. Murphy, Commissioner
DIVISION OF ENVIRONMENTAL SERVICES
Quilter Environmental Center

348 South Erie Street, Toledo, Ohio 43604-8633 USA

Telephone: 419-936-3015 Fax: 419-936-3959 E-mail: tim.murphy@toledo.oh.gov

NOTICE OF VIOLATION

April 15, 2011

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

Crown Cork and Seal
5201 Enterprise Blvd
Toledo, Ohio 43612

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

Dates of Violation

March 10, 2010 through April 13,
2011

Regulation(s) violated

ORC 3704.05 Prohibited acts.
(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.

Description of Source(s) and Violations(s)

PTI P0109527, for emissions unit K005, effective March 10, 2010, Special Terms and Conditions C.1.c)(2); requires that the average temperature of the exhaust gases immediately before the catalyst bed, not be less than the average temperature recorded during the most recent emission test. As a result of site inspection on March 22, 2011, the Toledo Division of Environmental Services requested a summary report of the required temperature records beginning with the effective date of PTI P0109527. In a written response dated April 13, 2011, the company reported non-compliance with the permitted temperature limitation during the period beginning March 10, 2010.

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).

Recommended Actions

1. Provide copies of the required records, adequate to demonstrate compliance with 40 CFR Part 63, Subpart SSSS for the compliance date of June 10, 2005 to present.

Your written response and any questions regarding this Notice of Violation should be directed to Dan Pittman 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.