

# CITY OF TOLEDO



## DEPARTMENT OF PUBLIC UTILITIES

OK

June 3, 2008

No HPV - Per section 4.5 of HPV Matrix Criteria, this is not a HPV since violation was corrected within 30 days.

### CERTIFIED MAIL

Mr. Steven M. Smith  
Director  
FirstEnergy Generation Corp.  
Bay Shore Power Plant  
4701 Bay Shore Road  
Oregon, Ohio 43616

Re: Notice of Violation

Dear Mr. Smith:

Enclosed, please find a "Notice of Violation" for Toledo Edison Bay Shore Power Plant (Ohio EPA Facility ID 0448020006 Emissions Unit F012). Please review this document carefully as some action is required on your part.

If you have any questions, please feel free to contact me at 419-936-3938.

From Toledo - an International Award Winning City!

A handwritten signature in cursive script that reads "Matthew A. Stanfield".

Matthew A. Stanfield  
Staff Professional Engineer

### Enclosure

cc: Karen Granata  
Leslie Kovacik  
John Paulian, OEPA  
Lisa Holscher, USEPA Region V

**NOTICE OF VIOLATION**

June 3, 2008

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

Toledo Edison Bay Shore Power Plant  
4701 Bay Shore Road  
Oregon, Ohio 43616

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

Dates of Violation(s)

May 21, 2008

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 or conditions.

Description of Source(s) and Violations(s)

Toledo Division of Environmental Services (TES) personnel scheduled a site visit to follow-up on a citizen complaint of visible emissions of fugitive dust emissions from ash load out. During the site visit TES personnel witnessed visible emissions of fugitive dust during load out of bed ash from the circulating fluidized bed boiler bed ash silo. Visible emissions of fugitive dust were observed and determined to be 47 percent opacity as a 3-minute average and 35 percent opacity as a 3-minute average.

Permit to install 04-01056 as modified on December 26, 2006 restricts visible emissions of fugitive dust from bed ash load out to 20 percent opacity as a 3-minute average.

Part II Section A.4 of Toledo Edison Bay Shore Power Plant's Title V Permit as modified on April 4, 2007 requires that each insignificant emissions unit at this facility must comply with all applicable State and federal regulations, as well as any emission limitations and/or control requirements contained within the identified permit to install for the emissions unit.

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 Matthew A. Stanfield at the Division of Environmental Services, 348 South Erie Street, Toledo, Ohio 43604, or call 419-936-3938.

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.

