

CITY OF TOLEDO



DEPARTMENT OF PUBLIC UTILITIES

September 9, 2010

CERTIFIED MAIL

Mr. Charles R. Ferrell, Jr.
Director, Bay Shore Plant
FirstEnergy Generation Corporation
4701 Bay Shore Road
Oregon, Ohio 43616

Re: Notice of Violation

Dear Mr. Ferrell:

Enclosed, please find a "Notice of Violation" for FirstEnergy Generation Corp. (Ohio EPA Facility ID 0448020006 Emissions Unit F017). 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.

Sincerely,

A handwritten signature in black ink that reads "Matthew A. Stanfield".

Matthew A. Stanfield
Staff Professional Engineer

Enclosure

cc: Tim Murphy
Karen Granata
Joyce Anagnos
John Paulian, OEPA
Lisa Holscher, USEPA Region 5

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

September 9, 2010

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

FirstEnergy Generation Corp.
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)

April 2008 through July 2010

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)

Additional Term and Condition U.3. of PTI 04-01056 issued December 26, 2006 requires that the permittee perform weekly inspections of the wind erosion from pile surfaces associated with each storage pile for the purpose of determining the need for implementing control measures for wind erosion.

The permittee has indicated that the required wind erosion inspections ceased on April 11, 2008 and resumed on July 16, 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). 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.

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.