

CITY OF TOLEDO



DEPARTMENT OF PUBLIC UTILITIES

October 25, 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 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.

Sincerely,

A handwritten signature in black ink, appearing to read "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

October 25, 2010

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

Toledo Edison Co., Bay Shore 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)

October 21, 2010

Regulation(s) violated

OAC rule 3745-17-07(B)
OAC rule 3745-31-05(A)(3)

Description of Source(s) and Violations(s)

Visible particulate emissions from any fugitive dust source shall not exceed twenty opacity as a three-minute average.

Visible emissions during bed ash load-out were observed to be greater than 20% opacity as a 3-minute average for 9 minutes during a 15-minute observation period.

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.