

# CITY OF TOLEDO



## DEPARTMENT OF PUBLIC UTILITIES

April 11, 2011

### CERTIFIED MAIL

Mr. Richard K. Nath  
Manager Environmental Programs  
CSX Transportation  
500 Water Street  
Speed Code J-275  
Jacksonville, FL 32202

Re: Notice of Violation

Dear Mr. Nath:

Enclosed, please find a "Notice of Violation" for CSX Transportation (Ohio EPA Facility ID 0448020045 Emissions Unit F002). 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.

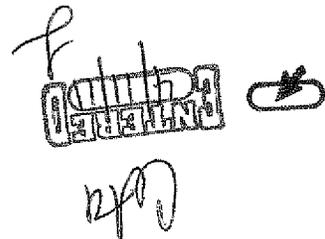
Sincerely,

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

Matthew A. Stanfield  
Staff Professional Engineer

Enclosure

cc: Tim Murphy  
Karen Granata  
Joyce Anagnos  
John Paulian, OEPA  
William MacDowell, USEPA Region 5



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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 11, 2011

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

CSX Transportation  
TORCO Docks  
1900 Otter Creek 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)

January 7 and 12, 2011

Regulation(s) violated

OAC rule 3745-17-08(B)  
ORC 3704.05(C)

Description of Source(s) and Violations(s)

On January 7 and 12, 2011, taconite was unloaded from a ship without taking reasonably available control measures to prevent fugitive dust from becoming airborne.

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.