

# CITY OF TOLEDO



## DEPARTMENT OF PUBLIC UTILITIES

*NOT IN OUR  
data base*

June 10, 2010

### CERTIFIED MAIL

Mr. Donald Daut, Vice President, Reagent Operations  
Affymetrix Inc.  
26111 Miles Road  
Warrensville Heights, Ohio 44128

Re: Notice of Violation

Dear Mr. Daut:

Enclosed, please find a "Notice of Violation" for Anatrace, Inc, Ohio EPA Premise No. 0448031070. 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 419-936-3941 or at robert.kossow@epa.state.oh.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Kossow".

Robert Kossow, P.E.

Enclosure

cc: John Paulian, OEPA  
Lisa Holscher, USEPA Region V  
Timothy D. Murphy, Commissioner, TES  
Karen Granata, Chief, Air Resources, TES  
Joyce Anagnos, Senior Attorney, City of Toledo

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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

June 10, 2010

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

Anatrace, Inc  
434 West Dussel Drive  
Maumee, Ohio 43537

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

Dates of Violation

February 28, 1996 and to date

Regulation(s) violated

OAC rule 3745-77-04(B)(1)  
Sources that are located within the areas identified in appendix A to this rule shall file an application in accordance with rule 3745-77-03 of the Administrative Code by no later than sixty days after approval of the Title V permit program.

Description of Source(s) and Violations(s)

On October 27, 2009 the Toledo Division of Environmental Services received a permit to install application for a detergent reagent manufacturing process reported to be in operation at this address since September 1, 1993. This source was reported to be a major source of methanol, a hazardous air pollutant, and therefore subject to the permitting requirements of OAC rule 3745-77.

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 Robert Kossow 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.