

CITY OF TOLEDO



DEPARTMENT OF PUBLIC UTILITIES

February 12, 2008

CERTIFIED MAIL

Mr. Charles Baumgartner, Jr.  
Pilkington North America, Inc.  
140 Dixie Highway  
Rossford, Ohio 43460-1215

Re: Notice of Violation: HPV-GC8

Dear Mr. Baumgartner:

Enclosed is a "Notice of Violation" for Pilkington North America, Inc., (Premise number 0487010012, emission unit P003) as a result of the failed stack test for sulfuric acid mist on December 13, 2007. Please review this document carefully as some action is required on your part.

If you have any questions regarding this matter, feel free to contact me at (419) 936-3955.

From Toledo - an International Award Winning City!

  
Pamela Barnhart  
Environmental Engineer

Enclosures

cc: Tim Murhpy, Commissioner, TDES  
Karen Granata, TDES  
Leslie Kovacic, Law Department, City of Toledo  
John Paulian, Ohio EPA  
Lisa Holscher, U.S. EPA

## NOTICE OF VIOLATION

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

Pilkington North America, Inc.  
Premise No. 0487010012  
140 Dixie Highway  
Rossford, Ohio 43460

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

### Dates of Violations

December 13, 2008

<u>Regulations Violated</u>	<u>Description of Violations</u>
OAC rule 3745-731-05(A)(3) PTI 04-01200 issued September 26, 2000 and modified March 15, 2005 Part III, sections A.I.1. and A.V.1.m.	During stack testing performed on this date, Pilkington North America demonstrated actual emissions of sulfuric acid mist in excess of the emission limitations established by PTI 04-01200.

The above violation(s) may subject the violator to **penalties** of up to \$25,000 per violation. It is possible that a penalty will 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 14 days of receipt of this Notice of Violation, you shall:

1. Abate the violations or provide for an acceptable remedy.
2. Reply in writing to this Notice of Violation. The reply shall include:
  - a. detailed descriptions and dates of actions taken thus far to abate the violations;
  - b. detailed descriptions and expeditious time schedule of actions taken or yet to be taken to remedy the violations and excess emissions, including options reviewed but not implemented; and
  - c. descriptions of actions taken or to be taken to prevent recurrence of the violations.

### **Recommended Action**

Typically, within 2 weeks of receipt of this Notice of Violation, TDES requests that the permittee submit a schedule for retesting the emissions unit, P003. Pilkington was proactive in this regard and scheduled the retest on February 5 and 6, 2008.

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.

Your written response and any questions regarding this Notice of Violation should be directed to Pam Barnhart at the City of Toledo, Division of Environmental Services, 348 S. Erie Street, Toledo, Ohio 43604, or call (419) 936-3955.