

# CITY OF TOLEDO



## DEPARTMENT OF PUBLIC UTILITIES

April 30, 2009

### CERTIFIED MAIL

Mr. Timothy D. Jones  
Vice President of Operations  
Midwest Terminals of Toledo International  
3518 St. Lawrence Drive  
Toledo, Ohio 43615

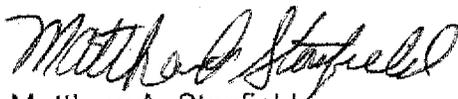
Re: Notice of Violation

Dear Mr. Jones:

Enclosed, please find a "Notice of Violation" for Midwest Terminals of Toledo International (Ohio EPA Facility ID 04480110339 Emissions Unit F007). 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.

From Toledo - an International Award Winning City!

  
Matthew A. Stanfield  
Staff Professional Engineer

### Enclosure

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

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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 30, 2009

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

Midwest Terminals of Toledo International  
3518 St. Lawrence Drive  
Toledo, Ohio 43605

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

Dates of Violation(s)

April 28, 2009

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)

During a site visit by personnel from our office, Midwest Terminals of Toledo personnel indicated that the following records were not being maintained as required by the Permit to Operate for storage piles.

The permittee shall maintain records of the following information:

- a. the date and reason any required inspection was not performed, including those inspections that were not performed due to snow and/or ice cover or precipitation;
- b. the date of each inspection where it was determined by the permittee that it was necessary to implement the control measures;
- c. the dates the control measures were implemented; and
- d. on a calendar quarter basis, the total number of days the control measures were implemented and, for wind erosion from pile surfaces, the total number of days where snow and/or ice cover or precipitation were sufficient to not require the control measure(s).

The information required in d. shall be kept separately for (i) the load-in operations, (ii) the load-out operations, and (iii) the pile surfaces (wind erosion), and shall be updated on a calendar quarter basis within 30 days after the end of each calendar quarter.

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.

