

# CITY OF TOLEDO



## DEPARTMENT OF PUBLIC UTILITIES

February 1, 2007

### CERTIFIED MAIL

David R. Lewis  
Rexam Beverage Can America  
10444 Waterville Street  
Whitehouse, Ohio 43571



Re: Notice of Violation

Dear Mr. Lewis:

Enclosed, please find a "Notice of Violation" for Rexam Beverage Can America (Ohio EPA Source No. 0448002007). Please review this document carefully as some action is required on your part.

If you have any questions, please feel free to contact me.

Yours from Toledo - an All-American City!

A handwritten signature in cursive script, appearing to read "Brad Faggionato".

Brad Faggionato, Engineer - Air Resources

### Enclosure

cc: T. Casey Stephens, Commissioner Environmental Services  
Karen Granata, P.E., Chief of Air Resources  
Leslie Kovacik, Law Department  
John Paulian, OEPA  
Lisa Holscher, USEPA Region V

**NOTICE OF VIOLATION**

February 1, 2007

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

Rexam Beverage Can America  
10444 Waterville Street  
Whitehouse, Ohio 43571

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

Dates of Violation(s)

November 30, 2005

Regulation(s) violated

OAC rule 3745-77-08(C)(3)(d) - A complete application for a significant permit modification shall be filed within twelve months after commencing operation of the modified source, provided that where an existing Title V permit would prohibit construction or operation of such modified source, a Title V permit revision must be obtained before operation of such modified source.

Description of Source(s) and Violations(s)

Rexam Beverage Can America failed to submit a Title V application for a significant Permit to Install modification. The Permit to Install 04-01429 became effective November 29, 2005 and an application to modify the Title V has not been submitted.

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. Submit Title V application incorporating the significant Permit to Install 04-01429 modification dated November 29, 2005.

Your written response and any questions regarding this Notice of Violation should be directed to Brad Faggionato at the Division of Environmental Services, 348 S. Erie Street, Toledo, Ohio 43602, or call 419-936-3963.

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.