

CITY OF TOLEDO

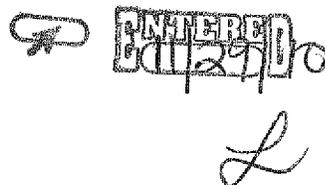


DEPARTMENT OF PUBLIC UTILITIES

November 22, 2010

CERTIFIED MAIL

Ms. LeAnne K. Funke
Environmental Coordinator
BP Products North America
1927 Gageville Rd.
Ashtabula, Ohio 44004



Re: Notice of Violation

Dear Ms. Funke:

Enclosed, please find a "Notice of Violation" for BP Toledo Terminal, 2450 Hill Avenue, Toledo, Ohio (Ohio EPA premise number 0448010067). 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 419-936-3769 or Babak.Firoozi@epa.state.oh.us.

Respectfully,

Babak Firoozi,
Engineering Associate - Air Section

Enclosure

cc: John Paulian, OEPA
William MacDowell, USEPA Region V
Timothy D. Murphy, Commissioner, TES
Karen Granata, P.E., Chief of Air Section, TES
Joyce Anagnos, Senior Attorney, City of Toledo

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

November 22, 2010

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

BP Toledo Terminal
2450 Hill Avenue
Toledo, Ohio 43607

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

Dates of Violation

November 2009 to November 18, 2010

Regulation(s) violated

OAC 3745-31-05(D) - The director may impose such special terms and conditions as are appropriate or necessary to ensure compliance with the applicable laws and to ensure adequate protection of environmental quality.

Description of Source(s) and Violation(s)

BP Toledo Terminal failed to demonstrate compliance with the monitoring and recordkeeping requirements of the permit terms and conditions for the loading racks; emissions units J001 and J002. These permits require monthly monitoring for vapor leaks, as determined by the methods and procedures of OAC rule 3745-21-10(K), and a demonstration of compliance with the 15-day repair interval requirement of OAC rule 3745-21-09(Q)(3).

The violation 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 two weeks of receipt of this letter, 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); and
- c. description(s) of action(s) taken or to be taken to prevent recurrence of the violation(s).

Recommendation Actions

1. Establish a complying inspection program and maintain appropriate records as required in the special terms and conditions of Part II, section C.2. of the operating permits for emissions units J001 and J002.
2. Request a modification to the existing permit, proposing an alternate monitoring and recordkeeping program adequate to demonstrate compliance with the underlying permit requirements.

Your written response and any questions regarding this Notice of Violation should be directed to Babak Firoozi at the Division of Environmental Services, 348 South Erie Street, Toledo, Ohio 43604 or call (419) 936 3769.

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.