



PORTSMOUTH LOCAL AIR AGENCY

USEPA AND OEPA REPRESENTATIVE FOR ADAMS, BROWN, SCIOTO AND LAWRENCE COUNTIES
605 Washington Street, Third Floor, Portsmouth, Ohio 45662 (740) 353-5156, ext 285 Fax (740) 353-3638

December 10, 2007

CERTIFIED MAIL

Mr. Cliff Waits
Dayton Power and Light
Killen Station
14869 US 52
Manchester, OH 45144

Re: Notice of Violation

Dear Mr. Waits:

The Third Quarter 2007 Excess Emissions Report (EER) for emissions unit B001 has been reviewed by the Portsmouth Local Air Agency. EER summary results indicate that the majority of the third quarter of 2007 Dayton Power and Light (DP&L) Killen Station operated emissions unit B001 with no continuous opacity monitoring system (COMS) data, or alternately approved continuous particulate monitor (CPM).

The terms and conditions of the Title V Permit for emissions unit B001 requires DP&L Killen Station to operate and maintain equipment to continuously monitor and record Opacity of the particulate emissions from B001 in accordance with the requirements of 40 CFR Part 60.13. Specifically, the monitor downtime for the COMS for B001 for the third quarter 2007 was 81.2 %. Since the alternately approved CPM, has yet to be certified, we are anticipating the Fourth Quarter 2007 EER will also show excessive downtime.

The Portsmouth Local Air Agency considers the COMS downtime excessive and in violation of the permit terms and conditions and Ohio Revised Code 3704.05.

This agency has found the failure to conduct the required monitoring and record keeping in accordance with the Title V permit requirements for the third quarter 2007 to be in violation of the terms and conditions of the Title V permit which is a violation of OAC rule 3745-77 and ORC 3704.05(G).

This office has found the failure to maintain and operate the COMS to also be in violation of 40 CFR Part 60.45(a).

This agency is requesting within fourteen days of receipt of this letter, that DP&L, Killen Station please submit a compliance schedule which outlines the steps to be taken to bring the

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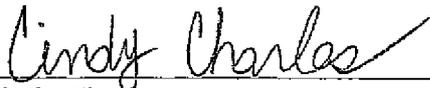
abovementioned source into compliance, and the dates by which each step will be completed. Also requested is a description of the interim measures DP&L, Killen Station has taken to ensure ongoing compliance. While we understand that DP&L, Killen Station is currently working on addressing this issue, a compliance schedule is still necessary.

Acceptance by the Ohio EPA of this information does not constitute a waiver of the Ohio EPA's authority to seek civil penalties as provided in section 3704.06 of the Ohio Revised Code. The determination to pursue or decline such penalties in this case will be made by the Ohio EPA at a later date.

If you are unable to respond to any part of this request, within the time frame discussed above, please inform us and explain so that we may be of assistance.

If you have any questions or need additional information, please contact me at (740) 353-5156.

Sincerely,



Cindy Charles
Director
Portsmouth Local Air Agency

cc: John Paulian, OEPA, DAPC
Lisa Holscher, USEPA