



REGIONAL AIR POLLUTION CONTROL AGENCY

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May 11, 2012

Certified Mail

Jeffery D. James
Director of Facilities
Miami Valley Hospital
One Wyoming Street
Dayton, Ohio 45409

NOTICE OF VIOLATION [HPV – GC 6]

Summary: Miami Valley Hospital (MVH) operates a Title V facility at One Wyoming Street in Dayton, Montgomery County, Ohio. MVH was required to submit a Title V permit renewal application by March 15, 2012. On March 19, 2012, the Regional Air Pollution Control Agency (RAPCA) received an incomplete Title V permit renewal application which was subsequently returned. MVH failed to submit a complete and timely Title V permit renewal application. Enforcement orders will be issued in the future to resolve this violation.

Dear Mr. James:

On August 21, 2007, the Miami Valley Hospital (MVH) (Ohio EPA facility no. 0857040180), was issued a Final Title V Operating Permit, with an effective date of September 11, 2007. On March 2, 2011, and December 2, 2011, the Ohio EPA issued reminder letters to the MVH notifying the facility that the Title V permit would expire on September 11, 2012, and that a renewal Title V permit application was due by March 15, 2012. In addition, on March 5, 2012, and on March 14, 2012, the RAPCA notified the MVH of the requirement to submit a renewal Title V permit application by March 15, 2012.

Pursuant to Ohio Administrative Code (OAC) rule and the Montgomery County Combined General Health District Air Pollution Control Regulations (MCCGHDAPCR) rule 3745-77-04(E), "Title V permit renewal applications shall be filed no earlier than eighteen months and no later than six months prior to the expiration of the Title V permit". MVH submitted a Title V renewal application to Ohio EPA via Air Services on March 19, 2012, which was found to be incomplete and was returned. On April 16, 2012, a complete Title V permit renewal application was received. Late submittal of a complete and timely Title V permit

renewal application is a violation of OAC and MCCGHDAPCR rule 3745-77-04(E) and Ohio Revised Code (ORC) 3704.05.

The failure to submit a complete and timely Title V permit renewal application has resulted in the loss of the "application shield" provided by OAC and MCCGHDAPCR rule 3745-77-06(A) for this facility. The submission of the late Title V permit renewal application did not reinstate the "application shield" provided by OAC and MCCGHDAPCR rule 3745-77-06(A) for this facility.

Therefore, operation of this facility after the expiration date of the Title V permit, without a valid Title V renewal permit or a federally enforceable permit to install and operate being issued by the Director, is a violation of OAC and MCCGHDAPCR rule 3745-77-02(A) and ORC 3704.05.

Acceptance of the Title V permit renewal application does not constitute a waiver of Ohio EPA's and RAPCA's authority to seek civil penalties as provided in section 3704.06 and 3707.49 of the Ohio Revised Code. The determination whether to pursue such penalties will be made by Ohio EPA and RAPCA at a later date.

If you have any questions regarding this matter, please contact Jefferis R. Canan at (937) 225-5934, or me at (937) 496-7540.

Sincerely,



Jennifer S. Marsee
Supervisor, Abatement Unit
Regional Air Pollution Control Agency

Cc: Chris Snider, Miami Valley Hospital
John Paul, RAPCA
Jefferis Canan, RAPCA
Michael Matis, PHDMC
William MacDowell, U.S. EPA
Tom Kalman, Ohio EPA