



AKRON REGIONAL AIR QUALITY MANAGEMENT DISTRICT

Agent of the Ohio Environmental Protection Agency • Division of the Summit County Health District
Serving Medina, Portage and Summit Counties

TELEPHONE: (330) 375-2480

FAX: (330) 375-2402

June 26, 2012

Certified Mail

Marc Divis
City of Akron Steam Generating
c/o Akron Energy Systems, LLC
226 Opportunity Parkway
Akron, OH 44307-2232

Re: NOTICE OF VIOLATION - Compliance Test Failed
Facility ID: 1677010757
City of Akron Steam Generating
Location: 226 Opportunity Parkway
Akron, OH 44307-2232
Summit County

Dear Marc Divis:

On May 11, 2012, Akron Energy Systems conducted an emission compliance test on Boiler #32, B001 to determine compliance with the NO_x RACT rule (OAC rule 3745-110-03(C)). Ohio EPA received the test report on June 24, 2012. The test report has been reviewed and we have concluded that the test was conducted according to the procedures specified in 40 CFR Part 60, Appendix A, U.S. EPA Test Method 7E. The results of the test showed the source to be out of compliance with the applicable NO_x emission limitation.

Our test review shows the following:

- | | | |
|------|--------------------------|--|
| I. | Tested Emission Rate: | 0.323 pound of NO _x per million Btu |
| II. | Allowable Emission Rate: | 0.30 pound of NO _x per million Btu |
| III. | Source Operating Rate: | 233 mmBtu per hour |

No later than forty-five (45 days) from the receipt of this letter, please submit a complete compliance plan and time schedule to this agency to bring emissions unit B001 into compliance with the requirements of OAC rule 3745-110-03.

In addition, and as a follow-up to the February 3, 2012 conference call between Ohio EPA and Akron Energy Systems, please submit updated information regarding the operational status for boilers B002, B003, B004, and B005 as it relates to OAC Rule 3745-110-03. If these boilers meet an applicable exemption under OAC rule 3745-110-03(J) please indicate such and include any documentation that may be needed to confirm such exempt status.

Marc Divis
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The report(s) shall be sent to the following personnel:

Mr. Alan Harness
SIP & Enforcement Section
Division of Air Pollution Control
Ohio EPA, CO
P.O. Box 1049
Columbus, OH 43215; and

Mr. Sean Vadas
Akron Regional Air Quality Management District
146 S. High Street, Room 904
Akron, Ohio 44308

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

If you have any questions, please contact me at 330-812-3952 or E-mail svadas@schd.org.

Sincerely,



Sean Vadas
Akron Regional Air Quality Management District

c: Bruce Weinberg, Central Office, Ohio EPA
Alan Harness, Central Office, Ohio EPA
William MacDowell, Region 5 U.S. EPA