



**SOUTHWEST OHIO
AIR QUALITY AGENCY**

5/3/2012

Certified Mail

Andrew Roebel
Duke Energy Ohio
139 E 4th Street
ML 552A
Cincinnati, OH 45202

Re: NOTICE OF VIOLATION – INSUFFICIENT CONTINUOUS MONITOR DATA CAPTURE

Facility ID: 14-31-35-0093, Duke Energy Ohio, Miami Fort Station
Location: 11021 Brower Road, North Bend, OH 45052-0128
Hamilton County

Dear Andrew Roebel:

The 4th Quarter, 2011 Excess Emissions Report (EER) submitted by Miami Fort Station has been reviewed by the Southwest Ohio Air Quality Agency (SWOQA).

Data summaries in the EER indicate the sulfur dioxide continuous emission monitor (CEM) had data capture of less than 95 percent for emissions unit B016, as outlined in 40 CFR Part 60, Subpart 60.7(d) and 60.13(e). The report indicates the sulfur dioxide CEM had only 89.04 percent data capture.

Continuous operation of the CEM is a requirement outlined in Miami Fort Station's operating permit. Non-compliance with the terms and conditions outlined in the operating permit is a violation of Ohio Revised Code 3704.05(C).

By June 7, 2012, please submit a plan outlining the steps Miami Fort Station will take to improve the data capture. The acceptance by the Ohio EPA of a schedule for compliance 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 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 (513) 946-7740 or E-mail peter.sturdevant@hamilton-co.org.

Sincerely,



Peter J. Sturdevant
Southwest Ohio Air Quality Agency

cc: Tom Kalman, Central Office, Ohio EPA
William MacDowell, Region 5 U.S. EPA

