



**AKRON REGIONAL  
AIR QUALITY MANAGEMENT DISTRICT**

*Agent of the Ohio Environmental Protection Agency • Division of the Akron Health Department  
Serving Medina, Portage and Summit Counties*

TELEPHONE: (330) 375-2480  
FAX: (330) 375-2402

L. M. Malcolm, P.E.  
Administrator

January 31, 2011

Certified Mail

Marc Divis  
Akron Energy Systems LLC  
26 Opportunity Parkway  
Akron, OH 44307-2232

**Re: NOTICE OF VIOLATION - Excessive Continuous Opacity Monitor (COM) Downtime**  
Facility ID: 1677010757  
Akron Energy Systems LLC  
Location: 226 Opportunity Parkway,  
Akron, OH 44307-2232

Dear Marc Divis:

The Fourth Quarter 2010 Excess Emissions Report (EER) submitted by Akron Energy has been reviewed. Data summaries in the EER indicate COM data capture less than the required 95% for the following emissions units as summarized:

Emissions Unit	COMs Downtime	Total Operating Time
B003/B004	11.8%	99,024 minutes

Akron Regional Air Quality Management District considers the COM downtime excessive and in violation of the following:

1. 40 CFR 60.13(e) - Monitoring Requirements under Subpart A - General Provisions, and
2. Ohio Revised Code 3704.05(C).

At this time, this agency is requesting that you submit a compliance plan and schedule for achieving compliance and minimizing monitor downtime in the future, within 30 days of receipt of this letter. The plan should include a description of the standard operating procedures used when a COM malfunction is detected and also include all steps taken from the time of detection until completion of the COM repairs and/or maintenance.

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 330-375-2480 x6307 or E-mail SVadas@schd.org.

Sincerely,

Sean Vadas  
Akron Regional Air Quality Management District

- c: Todd Brown, Central Office, Ohio EPA  
Tom Kalman, Central Office, Ohio EPA  
Lisa Holscher, Region V, U.S. EPA  
Erik Hardin, Region V, U.S. EPA

CITICENTER - SUITE 904

146 SOUTH HIGH STREET • AKRON, OHIO 44308

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Marc Davis  
 Akron Energy Systems LLC  
 26 Opportunity Parkway  
 Akron, OH 44307-2232

2. Article Number

(Transfer from service label)

7007 0220 0004 1204 1732

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X *Cathy January*

- Agent
- Addressee

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*Cathy January*

C. Date of Delivery

*2/02/2011*

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Domestic Return Receipt

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Akron Regional  
 Air Quality Management District  
 146 S. High Street - Suite 904  
 Akron, OH 44308

