



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

September 1, 2011

Certified Mail

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

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

Dear Marc Divis:

Akron Energy Systems operates a district steam heating plant at 226 Opportunity Parkway, Akron, Ohio, which is owned by the City of Akron. The facility consists primarily of five boilers that combust a variety of fuels. One of the boilers is Boiler #32 (B001), a 220 million BTU/hr heat input capacity spreader stoker coal-fired boiler equipped with an electrostatic precipitator.

Boiler #32 is subject to OAC rule 3745-17-07(A)(1), which states in part that “visible particulate emissions from any stack shall not exceed 20% opacity as a 6-minute average, except as provided by rule.”

OAC rule 3745-17-03(B)(1)(a) states “for the purpose of determining compliance with 3745-17-07(A)(1), visible particulate emissions shall be determined according to USEPA Method 9, except as provided by (B)(1)(b) of this rule.”

Paragraph (B)(1)(b) of 3745-17-03 provides an alternative compliance method for the use of a certified continuous opacity monitoring (COM) data for coal-fired boilers with heat input capacities equal to or greater than 250 MMBTU/hr.

Boiler #32 is equipped with a certified COM as the result of a previous enforcement case.

OAC rule 3745-17-03 goes on to state in part that “in the event of a discrepancy between the continuous opacity monitoring data and any observations performed in accordance with paragraph (B)(1)(a) of this rule during the same time period, an evaluation may be performed by the Ohio EPA to assess the accuracy of the continuous opacity monitoring data...and the validity of the observations performed in accordance with paragraph (B)(1)(a) of this rule. The Ohio EPA may accept and utilize any data or observations it finds credible.”

CITICENTER • SUITE 904

146 SOUTH HIGH STREET • AKRON, OHIO 44308

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Marc Divis  
 Akron Energy Systems, LLC.  
 9/01/2011

Visible emission observations, in accordance with USEPA's Method 9 (40 CFR 60, Appendix A), have been performed on Boiler #32 and the results are summarized as follows:

Date & Time of Observations	Highest 6-Minute Average	Do Observations Indicate Compliance?
June 15, 2011 - 9:26 AM	33%	No
June 20, 2011 - 9:43 AM	46.7%	No
June 22, 2011 - 11:35 AM	36%	No
June 29, 2011 - 8:45 AM	50%	No
June 30, 2011 - 8:44 AM	62.9%	No
July 1, 2011 - 8:28 AM	60%	No
July 3, 2011 - 8:56 AM	61%	No
July 5, 2011 - 11:55 AM	57.7%	No
July 6, 2011 - 8:41 AM	79%	No
July 11, 2011 - 8:47 AM	63.7%	No
July 14, 2011 - 9:23 AM	40%	No
July 15, 2011 - 9:11 AM	47.9%	No
July 26, 2011 - 7:36 AM	35%	No
August 1, 2011 - 8:52 AM	87%	No
August 2, 2011 - 8:53 AM	1.7%	Yes
August 8, 2011 - 8:37 AM	46.3%	No
August 9, 2011 - 7:40 AM	51%	No
August 10, 2011 - 8:30 AM	75%	No
August 10, 2011 - 12:04 PM	46.3%	No

Marc Divis  
Akron Energy Systems, LLC.  
9/01/2011

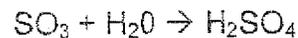
OAC rule 3745-17-07(A)(2) states "it shall be deemed not to be a violation of this rule where the presence of uncombined water is the only reason for failure of a stack emission to meet the requirements of this rule." This is more commonly referred to as a "steam plume," and is not included in Method 9 readings.

Previous discussions with Akron Energy personnel indicated that the facility is aware of the problem and the brownish plume appears to be a vapor of SO<sub>3</sub> being converted from SO<sub>2</sub> outside the stack in the presence of higher humidity.



Given that the reaction is occurring outside the stack, the resulting increased opacity would not be recognized by the COM located inside the stack.

The newly formed SO<sub>3</sub> could also then react with any residual moisture in the air to form a sulfuric acid mist.



Sulfuric acid is listed as a toxic air contaminant in OAC rule 3745-114-01.

Based upon the visible emission observations taken by this agency it does not appear that Boiler #32 is capable of meeting the opacity limitation without the installation of additional controls, and Boiler #32 appears to be operating in violation of OAC rule 3745-17-07(A) and Revised Code (RC) Section 3704.05(C).

Please submit to this office, within 30 days of receipt of this letter, a plan and schedule for achieving compliance. Submit this plan to the attention of Sean Vadas.

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](mailto:SVadas@schd.org).

Sincerely,



Sean Vadas  
Akron Regional Air Quality Management District

c: Tom Kalman, Central Office, Ohio EPA  
Erik Hardin, U.S. EPA

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1. Article Addressed to:

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

2. Article Number  
(Transfer from service label)

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PS Form 3811, February 2004

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Agent

Addressee

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 Air Quality Management District  
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