

**SOUTHWEST OHIO
AIR QUALITY AGENCY**

October 16, 2012

Certified Mail

Andrew Roebel
Duke Energy, Zimmer Station
P.O. Box 960, EM740
Cincinnati, OH 45202

Re: NOTICE OF VIOLATION

Facility ID: 1413090154
Duke Energy, Zimmer Station
Location: 1781 US Route 52
Moscow, OH 45153-9705
Clermont County

Dear Mr. Roebel,

Southwest Ohio Air Quality Agency(SWOAQA) is writing to address several violations outlined in Duke Energy's Title V (TV) Compliance Certification Letter for the year 2011, and for violations observed in the permit required quarterly deviation report for second quarter of 2012, for Wm. H. Zimmer Station in Moscow, Ohio.

According to the 2011 TV compliance certification letter, submitted to this agency via air-services on April 30, 2012, Duke Energy - Zimmer Station failed to operate and maintain equipment to continuously monitor and record nitrogen oxides emissions from emission unit B006 for 28.4% of emission unit operating time as outlined in part II A)(3)(m) of TV Permit to Operate P0097734. The letter also indicates that NOx monitor downtime was omitted from permit required deviation reports for the 2nd through 4th quarter of 2011.

Outlined in the first quarter deviation report for 2011, and in the 2011 TV compliance certification letter, emission unit B007 exceeded its limit of 400 hours of operation between nitrogen oxide emissions tests, as outlined in TV Permit to Operate P0097734. The TV compliance certification letter indicates that 531 operating hours elapsed since the previous test. Similarly, the TV compliance certification and the 2011 first quarter deviation report indicates that 575 hours elapsed between nitrogen oxides test for emission unit B008. These exceedences are a violation of TV Permit to Operate P0097734, part III A)(v)(5), for each unit respectively.

Also outlined in the TV compliance certification letter is an exceedence of the 3.8 tons per year carbon monoxide emission limit for emission unit B008. The compliance certification letter indicates that the calculated annual tons for the emission unit in 2011, is 4.25 tons per year. The exceedence is approximately 12% higher than the allowable emission limitation and is a violation of TV Permit to Operate P0097734, part III A)(v)(9).



The second quarter deviation report for 2012 indicates that Emission unit B007 exceeded its limit of 400 hours of operation between nitrogen oxide emissions tests by 27 hours. It also indicates that B008 exceeded its limit of 400 hours of operation between nitrogen oxide emissions tests by 79 hours. Both of these issues are violations of TV Permit to Operate P0097734, part III A)(v)(5).

Failure to comply with the terms and conditions of the applicable permits is a violation of section 3704.05(C) of the Ohio Revised Code. In order to address these violations, SWOAQA requires Duke Energy – Zimmer Station, to submit a compliance plan detailing actions the facility will take to come into compliance. This compliance plan shall include, but not be limited to, corrective actions that Duke Energy has taken or will take to avoid such violations in future along with the time line of when these actions are to take place. Also, if there are any inconsistencies of data between TV Permit to Operate P0097734 Quarterly Deviation Reports, excess emission reports and the Title V Compliance Certificate letter, those reports must be submitted with accurate information and the changes, causes and amendments, must be detailed in the compliance plan.

Please submit the compliance plan to this agency by October 31, 2012. Acceptance of a plan and/or schedule for compliance does not constitute a waiver of authority to seek civil penalties as provided in section 3704.06, of the Ohio Revised Code.

Please note that the Ohio EPA has the authority to seek civil penalties as provided in section 3704.06 of the Ohio Revised Code (ORC). This letter or information pursuant to this letter does not constitute a waiver of Ohio EPA's authority to seek civil penalties as provided in the ORC. The decision on whether or not to seek such penalties will be made by the Ohio EPA at a later date.

If you have any questions, please contact me at 513-946-7716 or E-mail, mike.schierloh@hamilton-co.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Schierloh", written over a white background.

Michael Schierloh
Environmental Compliance Specialist
Southwest Ohio Air Quality Agency