



City of Cleveland
Frank G. Jackson, Mayor

Department of Public Health
Division of Air Quality
75 Erieview Plaza, Second Floor
Cleveland, Ohio 44114-1839
216/664-2297 • Fax: 216/420-8047
www.clevelandhealth.org

**SERVING OHIO EPA AS AGENCY 13
FOR CUYAHOGA COUNTY**

**CERTIFIED MAIL 7011 3500 0000 1759 8089
RETURN RECEIPT REQUESTED**

December 19, 2012

Gary N. Hall
Property Administrator
PNC Bank
1900 East 9th Street
Cleveland, OH 44114

NON-HPV

FACILITY ID: 13-18-00-6027

NOTICE OF VIOLATION: Operating a 500 kW Kohler Power System emergency electrical generator without a permit

Dear Mr. Hall:

On December 18, 2012, the Cleveland Division of Air Quality (CDAQ) visited PNC Bank located at 1900 East 9th Street in Cleveland. This letter serves as notification that you are operating sources in violation of the following applicable air statutes, air regulations, or air permit conditions.

PNC Bank has been operating a 500 kW Kohler Power System emergency electrical generator without applying for a permit since at least March 11, 2009. Operating an air emissions unit without a permit is a violation of Ohio Administrative Code (OAC) Rule 3745-31-02(A)(1)(c)(2) and Ohio Revised Code (ORC) Section 3704.05(F).

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that within thirty (30) days of your receipt of this letter, PNC Bank submit a completed Permit By Rule (PBR) Form for the 500 kW Kohler Power System emergency electrical generator to the following address:

Permit Section
Cleveland Division of Air Quality
75 Erieview Plaza 2nd Floor
Cleveland, Ohio 44114-1839



Your written response to this letter must be received by CDAQ within thirty (30) days of your receipt of this letter. If there is insufficient time to correct the alleged violations within this timeframe, your response must include a timeline for correcting the alleged violations.

The appropriate permit application(s) and supplemental form(s) are included with this letter. The Permit By Rule (PBR) Form and instructions can also be accessed online at <http://www.epa.state.oh.us/dapc/pbr/permitbyrule.aspx>. Please note that all permit applications submitted to CDAQ must include original signatures. Photocopied signatures are not valid; the application will not be accepted by CDAQ and will be returned to you if original signatures are not provided.

Violations of Ohio air pollution laws and /or permit terms and conditions are subject to the penalties stipulated in Ohio Revised Code Section 3704.99(A), which allows fines of not more than twenty-five thousand dollars (\$25,000) or imprisonment for not more than one year, or both, for each violation.

CDAQ issues this letter with Ohio EPA's concurrence. The failure to mention any specific violation does not excuse any violations of local, state and federal laws or regulations regarding air pollution control. Violations of air pollution control laws may be pursued in local court or referred to Ohio EPA or U.S. EPA for further enforcement action.

Should you have any questions, please call Andrew Marantides at (216) 420-8049. All correspondence with CDAQ must include the Ohio EPA facility identification number for PNC Bank: 13-18-00-6027.

Sincerely,

Valencia White
Chief of Enforcement, CDAQ

VW/AM

cc: George P. Baker, CDAQ
Michael J. Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
Brian Dickens, U.S. EPA Region V
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encl: Permit By Rule Form and instructions

INSTRUCTIONS: Permit-by-Rule Supplemental Form Emergency Generator/Pump/Compressor

GENERAL INSTRUCTIONS:

Provide complete responses to all applicable questions. Submittal of an incomplete form will delay review and processing. If you need assistance, contact your Ohio EPA District Office or Local Air Agency for assistance. Contact the Ohio EPA, Division of Air Pollution Control at (614) 644-2270 for more information on contacting your local district office or go to <http://www.epa.ohio.gov/dapc> and select the topic "District Offices and Local Air Agencies". For more information on the permit-by-rule process, including online tracking of your notification form, go to <http://www.epa.ohio.gov/dapc/pbr/permitbyrule.aspx>

This is a notification form for an emergency electrical generator, water pump, or air compressor powered by an internal combustion engine which is intended to be installed and/or operated according to the permit-by-rule provisions of OAC 3745-31-03(A)(4)(b). This permit-by-rule provision is intended for emergency use equipment greater than 50 horsepower (37.3 Kilowatt) which does not operate more than 500 hours per rolling 12-month period. Please note the permit-by-rule does not apply to equipment employed regularly for intermittent, but not emergency, uses, e.g., electrical peak-shaving generators.

An emergency generator/pump/compressor less than or equal to 50 horsepower which burns gasoline, natural gas, liquid petroleum gas, or distillate oil (with less than or equal to 0.5 per cent by weight sulfur) is exempt from permit-to-install requirements by OAC 3745-31-03(A)(1)(nn). For copies of this regulation, contact your Ohio EPA District Office or Local Air Agency. State regulations may also be viewed and downloaded from the Ohio EPA website <http://www.epa.ohio.gov/dapc/regs/regs.aspx>

- I. Check the appropriate box which describes the equipment. Specify the manufacturer, model number and the manufacturer's rated output in either horsepower (HP) or Kilowatts (Kw) as appropriate. Specify the company's identification number, name, or other designation, i.e., Generator #1, Pump Unit #3, etc., for the unit.
- II. Check the appropriate box or boxes which describe all types of fuels the unit is capable of burning. Check "distillate oil" if burning diesel fuel. For distillate oils or diesel fuel, it is recommended the fuel supplier be consulted to assure the fuel sulfur content does not exceed 0.5 per cent by weight.

Signature Requirements – This notification will be deemed incomplete if it is not signed by the appropriate signatory. Please see the following guidance at http://www.epa.ohio.gov/portals/27/title_v/respoff.pdf for more information on who is authorized to sign this form or contact your Ohio EPA District Office or Local Air Agency.

Permit-by-Rule Requirements: Emergency Generator/Pump/Compressor

Excerpts from applicable sections of Ohio Administrative Code 3745-31-03(A)(4) are included with these Instructions for convenience. An owner or operator of an emergency electrical generator, firefighting water pump, or air compressor powered by an internal combustion engine which intends to install and/or operate according to the permit-by-rule provisions must comply with all applicable requirements specified in paragraphs (A)(4)(a) – General Provisions, and (A)(4)(b) – Emergency electrical generator, emergency water pumps, or emergency air compressors.

(4) Permit-by-rule exemptions

The following air contaminant sources are exempt from the requirement to obtain a permit to install or permit-to-install and operate (PTIO). These exemptions are valid only as long as the owner or operator complies with all of the permit-by-rule general provisions, meets the qualifying criteria defined in the applicable permit-by-rule and complies with all of the requirements under the applicable permit-by-rule specific provisions. Upon request by the director, the owner or operator of a facility that has exceeded the permit-by-rule thresholds or that the director finds is causing or may cause a public nuisance in violation of rule 3745-15-07 of the Administrative Code shall submit an application for a permit to install or PTIO.

These exemptions do not, however, exempt any air contaminant source from requirements of the federal Clean Air Act, including being considered for purposes of determining whether a facility constitutes a major source or is otherwise regulated under Chapter 3745-77 of the Administrative Code or any requirement to list insignificant activities and emission levels in a Title V permit application. In addition, this rule does not relieve the owner or operator from the requirement of including the emissions associated with the exempt sources into any major new source review permitting action.

(a) General provisions

These general provisions apply to all owner or operators who are utilizing one or more of the permit-by-rule exemptions listed in paragraphs (A)(4)(b) through (A)(4)(l).

(i) Recordkeeping requirements

The owner or operator shall collect and maintain the records described for each air contaminant source exempted under paragraph (A)(4) of this rule and these records shall be retained in the owner or operator's files for a period of not less than five years, unless otherwise specified in each exemption. These records shall be made available to the director or any authorized representative of the director for review during normal business hours.

(ii) Notification requirements for new installations

For the purposes of this paragraph, a new permit-by-rule air contaminant source is an air contaminant source installed after the promulgation date of any new applicable permit-by-rule or July 29, 2005, whichever comes later. The owner or operator of a new permit-by-rule air contaminant source electing to use an applicable permit-by-rule exemption shall submit a written notification in a form and manner prescribed by the director prior to installation of the air contaminant source. This notification, or form, shall be submitted to the appropriate Ohio environmental protection agency district office or local air agency, and shall contain the following information, at a minimum:

- (a) The owner or operator's and the facility contact's name;
- (b) The facility mailing address and telephone number;
- (c) The location of the air contaminant source(s);
- (d) A description of the air contaminant source, including any pollution control(s); and
- (e) A statement by the owner or operator that indicates which permit-by-rule applies to the air contaminant source.

(iii) Notification requirements for existing permitted sources

The owner or operator of an air contaminant source which is operating under an existing permit to install, PTIO and/or permit to operate may continue to operate in compliance with that permit or may submit a written request to the Ohio EPA to revoke any such individual permit or permits and to allow the air contaminant source to operate under the permit-by-rule provisions. The director may revoke a permit to install, PTIO and/or permit to operate if the permittee requests revocation, agrees to meet all permit-by-rule qualifying and operating conditions, and the director determines that the revocation will not result in the violation of any applicable laws. When a permittee requests a revocation pursuant to this paragraph, the director, without prior hearing, shall make a final determination on the request and inform the permittee in writing. If the director agrees with the request to operate under the permit-by-rule, then the permit-by-rule becomes applicable to the permittee on the date the existing permit to install, PTIO and/or permit to operate are revoked.

(iv) Notification requirements for existing permit-by-rule sources

The owner or operator of an air contaminant source that is operating under one of the permit-by-rules that existed prior to July 29, 2005 (emergency electrical generators, injection and compression molding, crushing and screening plants, soil-vapor extraction and soil-liquid extraction) and desires to continue operating under the permit-by-rule shall submit a written notification which contains all of the elements required in paragraph (A)(4)(a)(ii) of this rule. This notification shall be submitted to the appropriate Ohio environmental protection agency district office or local air agency and shall be submitted by July 29, 2006.

(v) Records retention requirements

Each record of any monitoring data, testing data, and support information required pursuant to a specific permit-by-rule shall be retained for a period of five years from the date the record was created. Support information shall include, but not be limited to, all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the specific permit-by-rule. Such records may be maintained in computerized form.

(vi) Reporting requirements

The owner or operator shall submit required reports in the following manner:

- (a) Reports of any monitoring and/or record keeping information required by a specific permit-by-rule shall be submitted to the appropriate Ohio environmental protection agency district office or local air agency.
- (b) Except as otherwise may be provided in a permit-by-rule specific reporting requirements paragraph of a specific permit-by-rule, a written report of any deviations (excursions) from emission limitations, operational restrictions, qualifying criteria, and control equipment operating parameter limitations that have been detected by the testing, monitoring, and record keeping requirements specified in the permit-by-rule shall be submitted to the appropriate Ohio environmental protection agency district office or local air agency within thirty days of the date the deviation occurred. The report shall describe the specific limitation and/or operational restriction exceeded, the probable cause of such deviation, and any corrective actions or preventive measures that have been or will be taken.

(vii) Scheduled maintenance/malfunction reporting

Any scheduled maintenance of air pollution control equipment shall be performed in accordance with paragraph (A) of rule 3745-15-06 of the Administrative Code. The malfunction of any emissions units or any associated air pollution control system(s) shall be reported to the appropriate Ohio environmental protection agency district office or local air agency in accordance with paragraph (B) of rule 3745-15-06 of the Administrative Code. Except as provided in that rule, any scheduled maintenance or malfunction necessitating the shutdown or bypassing of any air pollution control system(s) shall be accompanied by the shutdown of the emissions unit(s) that is served by such control system(s).

(viii) Definitions. For the purposes of the permit-by-rule exemption in paragraph (A)(4)(b) of this rule, the following definitions apply. These definitions are in addition to terms defined for this chapter in rule 3745-31-01 of the Administrative Code:

(a) "Emergency" means:

(i) A public emergency caused by flooding, damaging winds or tornado, fire, or other natural disaster; or

(ii) An electric power outage due to a failure of the electrical grid, local supply equipment failure, facility equipment failure; or

(iii) Conditions where a regional transmission organization notifies electric distributors that an emergency exists or may occur and it is necessary to implement emergency procedures for voluntary load curtailments by customers within Ohio, in response to unusually low frequency, equipment overload, capacity or energy deficiency, unacceptable voltage levels, or other emergency conditions leading to a potential electrical blackout; or

(iv) Any situation that the director determines to be an immediate threat to human health, property, or the environment.

(b) "Emergency electrical generator," "emergency water pump," or "emergency air compressor," means, respectively, an electrical generator, water pump, or air compressor powered by an emergency internal combustion engine.

(c) "Emergency internal combustion engine" means a stationary reciprocating engine or stationary turbine engine, whose operation is limited to emergency situations and readiness testing and maintenance. An engine used for non emergency use (for instance to produce peaking power or used in a non emergency energy assistance program is not an emergency internal combustion engine under this definition.

(b) Emergency electrical generators, emergency firefighting water pumps, or emergency air compressors powered by internal combustion engines greater than fifty horsepower (37.3 Kilowatts) where each engine operates at any one facility for no more than five hundred hours per rolling twelve-month period and where such engine burns gasoline, natural gas, distillate oil (with less than or equal to 0.5 per cent by weight sulfur), or liquid petroleum gas and that maintains the following records:

(i) Monthly records that contain the rolling twelve-month hours of operation; and

(ii) Records that show the type of fuel used and the sulfur content (in per cent by weight) of any distillate oil used.