

CITY OF TOLEDO



DEPARTMENT OF PUBLIC UTILITIES

CERTIFIED MAIL

Mark C. Dangler
President – BP-Husky Refining LLC
4001 Cedar Point Road
Oregon, Ohio 43616

Re: Notice of Violation

Dear Mr. Dangler:

Enclosed, please find a "Notice of Violation" for BP-Husky Refining LLC (Ohio EPA Source No. 0448020007), emission unit P007 (FCCU/CO Boiler). Please review this document carefully as some action is required on your part.

If you have any questions, please feel free to contact me.

Sincerely,

Peter Park

Enclosure

cc: Karen Granata, P.E., Chief of Air Resources, TDES
John Paulian, OEPA
Brian H. Dickens, USEPA Region V

Timothy D. Murphy, Commissioner
DIVISION OF ENVIRONMENTAL SERVICES
Quilter Environmental Center
348 South Erie Street, Toledo, Ohio 43604-8633 USA
Telephone: 419-936-3015 Fax: 419-936-3959 E-mail: tim.murphy@toledo.oh.gov

NOTICE OF VIOLATION

January 14, 2013

The City of Toledo Division of Environmental Services hereby serves notice that:

BP-Husky Refining LLC
4001 Cedar Point Road
Oregon, Ohio 43616

has violated the following environmental laws, orders, rules, or regulations on the indicated dates at the above address.

Dates of Violation(s)

From July 1, 2012 to September 30, 2012

| <u>Regulation(s) violated</u> | <u>Description of Source(s) and Violations(s)</u> |
|--|--|
| OAC rule 3745-77-07(C)(1) - ...to assure compliance with federally enforceable terms and conditions of the TV permit. 40 CFR 60.13 - ...all continuous monitoring systems shall be in continuous operation. | OEPA Premise number 0448020007 OEPA Source Number: P007 BP Toledo Refinery has failed to continuously monitor SO2 emissions from FCCU. |

The above violation(s) may subject the violator to penalties of up to \$25,000 per violation. It is possible that a penalty may be assessed in this case. If a penalty is to be assessed, the amount will be determined after your response is reviewed.

Required Actions

Within 2 weeks of receipt of this Notice of Violation, you shall:

1. Abate the violation(s) or provide for an acceptable remedy.
2. Reply in writing to this Notice of Violation. The reply shall include:
 - a. description(s) and date(s) of action(s) taken thus far to abate the violation(s).
 - b. description(s) and expeditious time schedule of action(s) yet to be taken to remedy the violation(s).

- c. description(s) of action(s) taken or to be taken to prevent recurrence of the violation(s).

Your written response and any questions regarding this Notice of Violation should be directed to Peter Park at the Division of Environmental Services, 348 S. Erie Street, Toledo, Ohio 43604, or call 419-936-3936.

The submission of the above requested information does not constitute a waiver of Ohio EPA's authority to seek civil penalties pursuant to Ohio Revised Code § 3704.06. Ohio EPA will make a decision on whether to pursue or decline to pursue such penalties regarding this matter at a later date.