

SOUTHWEST OHIO  
AIR QUALITY AGENCY

HPV

January 15, 2013

Certified Mail- Return  
Receipt Requested

Mr. Jan-Arthur Utrecht  
University of Cincinnati  
P.O. Box 210218  
Cincinnati, OH 45221-0218

Re: NOTICE OF VIOLATION - Compliance Test Not Completed in accordance with  
40 CFR 63.6615 for Caterpillar 3516B TA, 2 MWe output diesel generator engine  
located outside East Campus Utility Plant (ECUP) (P007)

Facility ID: 1431070849  
University of Cincinnati  
Location: Clifton Campus,  
Cincinnati, OH 45221  
Hamilton County

Dear Mr. Jan-Arthur Utrecht:

This agency is in receipt of your correspondence of December 14, 2012, requesting the rescheduling of emission testing of P007 from December 14, 2012, to a later date due to low pressure drop across the catalyst, with preliminary testing showing less than expected CO destruction efficiency. An expected failure is not a valid reason to stop a compliance test. As specified in section VII.6 of the September 30th 2005 National Stack Testing Guidance issued by USEPA, the stoppage of a stack test in this manner is considered a violation of the underlying regulatory requirement (destruction efficiency limitation). Failure to complete the stack testing and demonstrate compliance with the destruction efficiency limitation is a violation of Permit to Install 14-5757, Ohio Revised Code (ORC) 3704.05(C), and 40 CFR 63.6615.

In order to address these compliance deficiencies, please submit a compliance plan and schedule with specific milestone dates to demonstrate compliance with the destruction efficiency limitation established in Permit to Install 14-5757 for emissions unit P007.

The violations identified above also constitute a violation of Title X, City of Cincinnati Municipal Code and the City of Cincinnati Health Department rules. Title X is enforced by the City Solicitor's Office and the City of Cincinnati Health Department rules are enforced by Hamilton County Environmental Services. The City Solicitor's Office has requested that this agency notify them of all Title X

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violations identified by this agency. Consequently, a copy of this Notice of Violation has been sent to the City Solicitor's Office. The City Solicitor's Office has requested that a copy of all compliance plans be forwarded to their office. Therefore, please send a copy of the compliance plan to the City Solicitor's Office, attn: Heidi Rosales, City Hall Room 214, 801 Plum Street, Cincinnati, Ohio, 45202.

Please submit the requested information by **January 31, 2013**. Acceptance by the Ohio EPA of requested information does not constitute a waiver of the Ohio EPA's authority to seek civil penalties as provided in section 3704.06 of the Ohio Revised Code. The determination to pursue or decline such penalties in this case will be made at a later date. Failure to comply with the requirements of this letter may result in additional enforcement action including possible referral of this case to the Office of the Attorney General.

If you have any questions, or if I can be of any assistance feel free to contact me at 946-7721.

Sincerely,



Gregory L. Howard  
Environmental Compliance Specialist

cc: Brian Dickens, Region 5 U.S. EPA  
Bruce Weinberg, Ohio EPA  
Heidi Rosales, City of Cincinnati