



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUN 29 2007

REPLY TO THE ATTENTION OF:

AE-17J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mark Guerriero, Plant Manager
The Dayton Power and Light Company
O.H. Hutchings Station
9200 Chautaugua Road
Miamisburg, OH 45342

Dear Mr. Guerriero:

This is to advise you that the United States Environmental Protection Agency (U.S. EPA) has determined that the Dayton Power and Light Company, O.H. Hutchings Station (DP&L) at 9200 Chautaugua Road, Miamisburg, Ohio is in violation of the Clean Air Act (CAA) and associated federal pollution control requirements. A list of the requirements violated is provided below. We are today issuing to you a Notice of Violation and Finding of Violation (NOV/FOV) for these violations.

The CAA requires the development of Primary and Secondary National Ambient Air Quality Standards to protect public health and welfare. To attain and maintain these standards, each State is required to develop a federally enforceable implementation plan. Ohio's State Implementation Plan (Ohio SIP) includes the following requirements:

- (1) Visible particulate emissions from stacks must not exceed 20 percent opacity as a six-minute average.
- (2) Particulate emissions from stacks must not exceed the allowable emission rate.

These limits are incorporated into DP&L's Title V Permit. The purpose of the visible particulate limit is to help protect the public from unhealthy exposures to particulate. Particulate emissions, in particular fine particulate, contribute to respiratory problems, lung damage and premature deaths.

U.S. EPA finds that DP&L has violated the above listed federally enforceable Ohio SIP requirements as incorporated into DP&L's Title V Permit. Since DP&L violated its Title V Permit, you have also violated Title V of the CAA and its associated regulations which require compliance with the terms and conditions of Title V permits. Additionally, in violating the Ohio SIP requirements, you have violated Title I of the CAA and its implementing regulations, which require compliance with the terms and conditions of the Ohio SIP.

Section 113 of the CAA gives us several enforcement options to resolve these violations, including: issuing an administrative compliance order, issuing an administrative penalty order, bringing a judicial civil action, and bringing a judicial criminal action. The option we select, in part, depends on the efforts taken by DP&L to correct the alleged violations and the timeframe in which you can demonstrate and maintain continuous compliance with the requirements cited in the NOV/FOV.

Section 113 of the CAA provides you with the opportunity to request a conference with us about the violations alleged in the NOV/FOV. A conference should be requested within 10 days following receipt of this notice. A conference should be held within 30 days following receipt of this notice. Before we decide which enforcement option is appropriate, this conference will provide you a chance to present information on the identified violations, any efforts you have taken to comply, and the steps you will take to prevent future violations. Please plan for your facility's technical and management personnel to take part in these discussions. You may have an attorney represent and accompany you at this conference.

The U.S. EPA contact in this matter is Julie Morris. You may call her at (312) 886-0863 if you wish to request a conference. U.S. EPA hopes that this NOV/FOV will encourage DP&L's compliance with the requirements of the Clean Air Act.

Sincerely yours,



Stephen Rothblatt, Director
Air and Radiation Division

Enclosure

cc: Robert Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency

John Paul, Administrator
Regional Air Pollution Control Agency

United States Environmental Protection Agency
Region 5

IN THE MATTER OF:)	
Dayton Power and Light Company)	NOTICE OF VIOLATION and
O.H. Hutchings Station)	FINDING OF VIOLATION
Miamisburg, Ohio)	
)	EPA-5-07-OH-19
Proceedings Pursuant to)	
the Clean Air Act,)	
42 U.S.C. §§ 7401 et seq.)	

NOTICE AND FINDING OF VIOLATION

Dayton Power and Light Company, O.H. Hutchings Station (you or DP&L) owns and operates six coal-fired boilers at 9200 Chautaugua Road, Miamisburg, Ohio. The boilers are identified as B001, B002, B003, B004, B005 and B006.

U.S. EPA is sending this Notice of Violation and Finding of Violation (NOV/FOV or Notice) to notify you that we have found opacity emissions from Boilers B001, B002, B003, B004, B005 and B006 and particulate emissions from Boilers B001, B003 and B006 at your facility in excess of the limits specified in your Title V Permit and the Ohio State Implementation Plan (Ohio SIP). These exceedances constitute violations of the Clean Air Act (the Act or CAA).

Section 113 of the Act provides you with the opportunity to request a conference with us to discuss the violations alleged in the NOV/FOV. This conference will provide you a chance to present information on the identified violations, any efforts you have taken to comply, and the steps you will take to prevent future violations. Please plan for the facility's technical and management personnel to take part in these discussions. You may have an attorney represent and accompany you at this conference.

Explanation of Violations

1. The permits and permit conditions relevant to this NOV/FOV are as follows:
 - a. Ohio Environmental Protection Agency (Ohio EPA) issued Title V Permit 08-57-78-0013 (Title V Permit) to the facility on December 23, 2002. Part III.A.1.1. of the Title V Permit prohibits Boilers B001, B002, B003, B004, B005 and B006 from emitting visible emissions that exceed 20 percent opacity as a six-minute average.

- b. Part III.A.1.1. of the Title V Permit prohibits Boilers B001 and B003 particulate emissions from exceeding 0.10 lb/mmBtu of actual heat input.
- c. Part III.A.V.1. of the Title V Permit requires that testing be conducted while the emissions unit is operating at or near its maximum capacity.

2. Based on an evaluation of the 2003, 2004, 2005, 2006 and first quarter 2007 Quarterly Excess Emission Reports, which DP&L certified and submitted to the Ohio EPA, U.S. EPA has determined that Boilers B001, B002, B003, B004, B005 and B006 emissions exceeded the emission limits identified in Paragraph 1, above, as follows:

Years	Emission ID	DESCRIPTION OF VIOLATION
2003-2007	B001, B002	11,671 minutes of opacity violations
2003-2007	B003, B004	10,308 minutes of opacity violations
2003-2007	B005, B006	9,486 minutes of opacity violations

A breakdown of emissions by unit and quarter is attached in Table 1.

- 3. DP&L Boiler B003 failed a performance test for particulate emissions on July 18, 1996, based on a linear proration. The average emission rate during the test was determined to be 0.097 lb/mmBtu, while B003 was operating at 87% of its rated capacity. The prorated emission rate at maximum capacity is 0.1096 lb/mmBtu.
- 4. DP&L Boiler B003 failed a performance test for particulate emissions on July 15, 1998. The average emission rate during the test was determined to be 0.119 lb/mmBtu, while B003 was operating at 92% of its rated capacity during the test. The prorated emission rate at maximum capacity is 0.1285 lb/mmBtu.
- 5. DP&L Boiler B001 failed a performance test for particulate emissions on November 2, 2006. The average emission rate during the test was determined to be 0.111 lb/mmBtu, while B001 was operating at 71% of its rated capacity during the test. The prorated emission rate at maximum capacity is 0.1432 lb/mmBtu.
- 6. DP&L's excess opacity emissions from Boilers B001, B002, B003, B004, B005 and B006 during 2003, 2004, 2005, 2006 and 2007 are violations of the opacity limit in Part III.A.1.1. of its Title V Permit and the Ohio SIP rule at OAC 3745-17-07(A), as incorporated into DP&L's Title V Permit.
- 7. DP&L's performance test failure for B001 on November 2, 2006, is a violation of the particulate emission limit in Part III.A.1.1. of its Title V Permit and the Ohio SIP rule at OAC 3745-17-10(C), as incorporated into DP&L's Title V Permit.
- 8. DP&L's performance test failures for B003 in 1996 and 1998 show a continuing trend of violations and are violations of the particulate emission limit in Part III.A.1.1. of its Title V Permit and the Ohio SIP rule at OAC 3745-17-10(C), as incorporated into DP&L's Title V Permit.

Table 1: Excess Emissions Summary by Quarter, Percent, Pollutant and Process Unit

Unit	Quarter/ year	Operating Minutes	Non-Exempt Opacity Minutes	% Non-Exempt Excess Emissions
B001 B002	Q1-2003	81,900	4,470	5.46%
	Q2-2003	42,840	912	2.13%
	Q3-2003	71,160	336	0.47%
	Q4-2003	24,600	492	2.00%
	Q1-2004	44,880	1,926	4.29%
	Q2-2004	11,400	606	5.32%
	Q3-2004	6,660	126	1.89%
	Q4-2004	8,700	84	0.97%
	Q1-2005	28,800	138	0.48%
	Q2-2005	23,880	114	0.48%
	Q3-2005	92,520	510	0.55%
	Q4-2005	48,600	517	1.06%
	Q1-2006	7,800	402	5.15%
	Q2-2006	17,340	108	0.62%
	Q3-2006	20,520	462	2.25%
	Q4-2006	18,960	210	1.11%
Q1-2007	26,880	258	0.96%	
	Total	577,440	11,671	
B003 B004	Q1-2003	126,060	1,752	1.39%
	Q2-2003	63,480	1,080	1.70%
	Q3-2003	100,740	540	0.54%
	Q4-2003	59,040	402	0.68%
	Q1-2004	102,420	1,068	1.04%
	Q2-2004	67,500	846	1.25%
	Q3-2004	36,660	174	0.47%
	Q4-2004	26,760	132	0.49%
	Q1-2005	65,880	564	0.86%
	Q2-2005	59,040	306	0.52%
	Q3-2005	98,280	534	0.54%
	Q4-2005	63,840	594	0.93%
	Q1-2006	27,660	120	0.43%
	Q2-2006	56,100	384	0.68%
	Q3-2006	79,740	966	1.21%
	Q4-2006	55,440	258	0.47%
Q1-2007	91,860	588	0.64%	
	Total	1,180,500	10,308	

Unit	Quarter/ year	Operating Minutes	Non-Exempt Opacity Minutes	% Non-Exempt Excess Emissions
	Q1-2003	106,200	804	0.76%
	Q2-2003	76,200	624	0.82%
	Q3-2003	92,520	366	0.40%
	Q4-2003	57,120	186	0.33%
B005	Q1-2004	106,080	1,056	1.00%
B006	Q2-2004	67,440	738	1.09%
	Q3-2004	30,060	282	0.94%
	Q4-2004	34,320	252	0.73%
	Q1-2005	69,900	222	0.32%
	Q2-2005	60,060	756	1.26%
	Q3-2005	93,480	1,710	1.83%
	Q4-2005	73,980	210	0.28%
	Q1-2006	27,780	72	0.26%
	Q2-2006	71,640	444	0.62%
	Q3-2006	80,640	894	1.11%
	Q4-2006	58,740	540	0.92%
	Q1-2007	90,420	330	0.36%
	Total	1,196,580	9,486	

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Notice and Finding of Violation, No. EPA-5-07-OH-19 by Certified Mail, Return Receipt Requested, to:

Mark Guerriero, Plant Manager
The Dayton Power and Light Company
O.H. Hutchings Station
9200 Chautaugua Road
Miamisburg, OH 45342

I also certify that I sent copies of the Notice of Violation and Finding of Violation by first class mail to:

Robert Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency
Lazarus Government Center
P.O. Box 1049
Columbus, Ohio 43216-1049

John Paul, Administrator
Regional Air Pollution Control Agency
117 South Main Street
Dayton, Ohio 45422-1280

on the 29th day of June, 2007.



Loretta Shaffer, Secretary
AECAS, (MN/OH)
(312) 353-5723

CERTIFIED MAIL RECEIPT NUMBER: 70010320 0006 0198 8812