



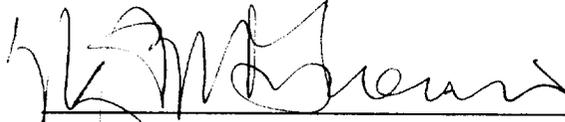
7. Pursuant to Section 113(a)(1) of the Act, U.S. EPA issued a Notice of Violation to Cinergy on June 26, 1996, alleging violations of OAC Rule 3745-17-10 and opacity limitations at W.C. Beckjord Station's, unit 1.
8. Pursuant to Section 113(a)(1) of the Act, U.S. EPA issued a Notice of Violation to Cinergy on July 18, 1997, alleging violations of OAC Rule 3745-17-10 at W.C. Beckjord Station's unit 1 and unit 4.
9. Pursuant to Section 113(a)(1)(A) of the Act, U.S. EPA issued an Administrative Penalty Order to Cinergy on September 22, 1997, for \$77,000 to resolve violations alleged in the Notices of Violation issued June 26, 1996 and July 18, 1997.
10. Pursuant to Section 113(a)(1)(A) of the Act, U.S. EPA issued an Administrative Consent Order to Cinergy on February 26, 1998. The consent order, signed by a representative of Cinergy, established a three year compliance program for unit 1.
11. Among other things, the Administrative Order required Cinergy to:
  - A. Conduct semi-annual stack testing, from years 1998 through 2000, at Cinergy's W.C. Bekjord Station's unit 1 and unit 4 to assess compliance with applicable particulate emission limits, and
  - B. Maintain continuous compliance with OAC Rule 3745-17-10 at Cinergy's W.C. Bekjord Station's unit 1 and unit 4.
12. On October 12, 1999, a semi-annual stack test for particulate matter was conducted at Cinergy's and CG&E's, W.C. Beckjord Station, unit 1, as required by the Administrative Order. Stack test results show particulate emissions from unit 1 were 0.49 lb-PM/mmBTU.
13. Hamilton County Environmental Services issued a warning letter to Cinergy on November 3, 1999, alleging violations of the OAC Rule 3745-17-10 at Cinergy's and CG&E's W.C. Beckjord Station unit 1.

#### **Findings of Violation**

14. The stack test results showed particulate emissions which exceeded the allowable emission limit of 0.10 lb-PM/mmBTU, established at OAC Rule 3745-17-10.

15. By exceeding the allowable particulate emission limitation at OAC Rule 3745-17-10, Cinergy's and CG&E's, W.C. Beckjord Station, unit 1 failed to maintain continuous compliance with OAC Rule 3745-17-10.
  
16. Failure to maintain continuous compliance with OAC Rule 3745-17-10 is a violation of Paragraph 11 of the Administrative Order issued February 26, 1998.

Nov. 30, 1999  
Date

  
\_\_\_\_\_  
Margaret M. Guerriero, Acting Director  
Air and Radiation Division

**CERTIFICATE OF MAILING**

I, Loretta Shaffer, certify that I sent a Notice of Violation and Finding of Violation, issued pursuant to the Clean Air Act, by Certified Mail, Return Receipt Requested, to:

Jack Randolph, CEO  
139 E. Fourth Street  
Cincinnati, Ohio 45201-0960

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. 1049  
Columbus, Ohio 43216-1049

Cory Chadwick, Director  
Dept. of Environmental Services  
Air Quality Programs  
250 William Howard Taft Road  
Cincinnati, Ohio 45219-2660

on the 1st day of December, 1999.



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Loretta Shaffer, Secretary  
AECAS, (OH/MN)

CERTIFIED MAIL RECEIPT NUMBER: 2 199 026 530