



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

SEP 06 2006

REPLY TO THE ATTENTION OF:
AE-17J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Jan Utrecht
Director, Environmental Health & Safety
University of Cincinnati
Two Edwards Center, Room 2310
Cincinnati, Ohio 43616

Dear Mr. Utrecht:

This is to advise you that the United States Environmental Protection Agency has determined that the University of Cincinnati's facility at 3001 Vine Street, Cincinnati, Ohio (facility) is in violation of the Clean Air Act (CAA) and associated state or local pollution control requirements. A list of the requirements violated is provided below. A Finding of Violation and Notice of Violation (FOV/NOV) for these violations is being issued and is enclosed for your review.

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 an 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. This limit is incorporated into the University of Cincinnati'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.

2) Limitations on the quantity of nitrogen oxides and carbon monoxide emissions which can be emitted from stacks. These limits are incorporated into the University of Cincinnati's Permit to Install Number 14-05108. The purpose of these limits

is to help reduce acid rain, ground level ozone and help protect the public from exposures which could aggravate cardiovascular disease. Nitrogen oxides contribute to acid rain formation and formation of ground level ozone, which can cause respiratory inflammation. Carbon monoxide can enter the bloodstream reducing oxygen delivery and can aggravate cardiovascular disease.

EPA finds that the University of Cincinnati facility has violated the above listed Ohio SIP requirements as incorporated into the University's Title V Permit and Permit to Install Number 14-05108. Since the University 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 Permit to Install Number 14-05108, you have violated Title I of the CAA [part of the Act requiring Prevention of Significant Deterioration (PSD) of air quality] and its implementing regulations, which require compliance with the terms and conditions of PSD permits to install.

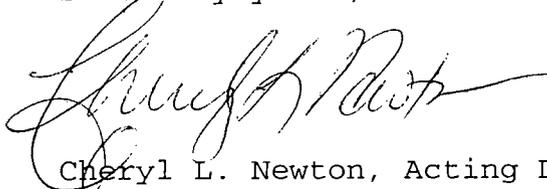
Section 113 of the CAA gives us several enforcement options to resolve these violations, including: issuing an administrative compliance order, issuing an administrative penalty order, bringing a judicial civil action, and bringing a judicial criminal action. The option we select, in part, depends on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

Before we decide which enforcement option is appropriate, Section 113 of the CAA provides you with the opportunity to request a conference with us about the violations alleged in the FOV/NOV. 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 EPA contact in this matter is Julie Morris. You may call her at (312) 886-0863 if you wish to request a conference. EPA hopes that this FOV/NOV will encourage University of

Cincinnati's compliance with the requirements of the Clean Air Act.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Cheryl L. Newton".

Cheryl L. Newton, Acting Director
Air and Radiation Division

Enclosure

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

Cory Chadwick, Director
Hamilton County Environmental Services

United States Environmental Protection Agency

IN THE MATTER OF:)	
University of Cincinnati)	
Cincinnati, Ohio)	NOTICE OF VIOLATION and
)	FINDING OF VIOLATION
)	
Proceedings Pursuant to)	EPA-5-06-OH-14
the Clean Air Act,)	
42 U.S.C. §§ 7401 et seq.)	

NOTICE AND FINDING OF VIOLATION

University of Cincinnati (you or the University) owns and operates one coal-fired boiler and two natural gas-fired turbines at 3001 Vine Street, Cincinnati, Ohio (Facility). The boiler is identified as B108, and turbines P003 and P004.

U.S. EPA is sending this Notice of Violation and Finding of Violation (NOV/FOV or Notice) to you for opacity, carbon monoxide (CO), and nitrogen oxide (NOx) emissions from Units B108, P003, and P004 in excess of the limits specified in your Title V permit, Permit to Install and the underlying statutory and regulatory requirements of the permit conditions that apply to your Facility. The underlying statutory and regulatory requirements include provisions of the Clean Air Act (the Act or CAA), its implementing regulations and the Ohio State Implementation Plan (Ohio SIP).

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 following permits and permit conditions relevant to this NOV/FOV are as follows:

- a. Ohio Environmental Protection Agency (OEPA) issued Title V Permit 14-31-07-0849 (Title V Permit) to the Facility on January 20, 2001. Part III.A.1.1. of the Title V Permit prohibits Boiler B108 from emitting visible emissions over 20 percent opacity as averaged over every six minutes. The Ohio SIP provides specific exemptions from this requirement, including, in summary, when the boiler is started up, shutdown or during malfunctions.
- b. On August 15, 2002, OEPA issued an initial Permit to Install 14-05108 for two 14.5 megawatt (MW) combined cycle natural gas fired turbines with 98.5 mmBtu/hr duct burners, identified as Turbines P003 and P004. OEPA issued a modified Permit to Install 14-05108 for Turbines P003 and P004 on August 25, 2005. The modification became effective the same date.
- c. The following are Turbines P003 and P004 emission limits in Part III.A.1.1 of its Permit to Install 14-05108 prior to the August 25, 2005 permit modification:
 - i. Emission limits during natural gas firing without duct burner firing: CO emissions shall not exceed 1.97 lb/hr.
 - ii. Emission limits during natural gas firing with duct burner firing: CO emissions shall not exceed 2.84 lb/hr.
 - iii. Emission limits during natural gas firing without duct burner firing: NOx emissions shall not exceed 25 ppmvd at 15% oxygen and 14.71 lb/hr.
 - iv. Emission limits during natural gas firing with duct burner firing: NOx emissions shall not exceed 0.10 lb/MMBtu and 24.56 lb/hr.

d. The following are Turbines P003 and P004 emission limits after the August 25, 2005 permit modification:

- i. Emission limits during normal operation without duct burner firing: CO emissions shall not exceed 1.97 lb/hr.
- ii. Emission limits during normal operation with duct burner firing: CO emissions shall not exceed 2.84 lb/hr.
- iii. Emission limits during normal operation without duct burner firing: NOx emissions shall not exceed 25 ppmvd at 15% oxygen and 14.71 lb/hr.
- iv. Emission limits during normal operation with duct burner firing: NOx emissions shall not exceed 0.10 lb/MMBtu and 24.56 lb/hr.

2. Based on an evaluation of the 2004 and 2005 Quarterly Excess Emission Reports the University certified and submitted to the OEPA, U.S. EPA has determined that Units B108, P003 and P004 emissions exceeded the emission limits identified in Paragraph 1, above, as follows:

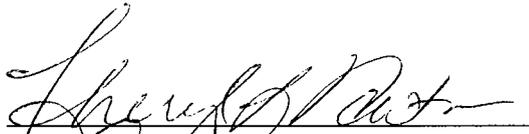
Years	Emission ID	DESCRIPTION OF VIOLATION
2004-2005	B108	1,362 minutes of opacity excess emissions
2004-2005	P003	41,878 minutes of CO excess emissions
2004-2005	P003	102,853 minutes of NOx excess emissions
2004-2005	P004	34,486 minutes of CO excess emissions
2004-2005	P004	64,400 minutes of NOx excess emissions

- 3. The University's excess opacity emissions from Boiler B108 during 2004 and 2005 are violations of the opacity limit in Part III.A.1.1. of its Title V Permit and the Title V Permit's underlying statutory and regulatory requirements.
- 4. The University's excess CO and NOx emissions from Turbines P003 and P004 during 2004 and 2005 are violations of the CO and NOx limits in Part III.A.1.1 of its Permit to Install 14-05108 and the Permit to Install's underlying statutory and regulatory requirements.

Environmental Impact of Violations

5. Violation of the opacity standards increases public exposure to unhealthy particulate matter. Particulate matter, especially fine particulate, contributes to respiratory problems, lung damage and premature deaths.
6. Violation of NOx standards increases the amount of acid rain and ground level ozone, which could cause respiratory inflammation.
7. Violation of CO standards increases public exposure to CO, which can enter the bloodstream reducing oxygen delivery and can aggravate cardiovascular disease.

9/6/06
Date


Cheryl L. Newton, Acting Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Notice and Finding of Violation, No. EPA-5-06-OH-14, by Certified Mail, Return Receipt Requested, to:

Jan Utrecht, Director
University of Cincinnati
Two Edwards Center, Room 2310
51 West Corry Street ML 0218
Cincinnati, OH 43616

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

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

Cory Chadwick, Director
Hamilton County Environmental Services
Air Quality Programs
250 William Taft Road
Cincinnati, Ohio 45219

on the 6th day of September, 2006.

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0005 8919 3130