UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF	)	
	)	Order No.
First Energy Corporation and	)	EPA-5-99-113(a)-OH-1
The Cleveland Electric	)	
Illuminating Company	)	
Avon Lake Generating Station	)	
Avon Lake, Ohio	)	
	)	
	)	
Proceeding Pursuant to Sections	)	
113(a)(1) and 114(a) of the	)	
Clean Air Act, 42 U.S.C.	)	
§§7413(a)(1)and 7414(a).	)	
	)	

STATUTORY AUTHORITY

The following Consent Order ("Order") is issued pursuant to Sections 113(a)(1)(A) and 114(a)(1) of the Clean Air Act ("Act"), as amended, 42 U.S.C. §§ 7413(a)(1)(A) and 7414(a)(1).

STIPULATIONS

1. Section 110 of the Act, 42 U.S.C. §7410, requires each State to submit a plan (the State Implementation Plan or "SIP") to the Administrator of the United States Environmental Protection Agency ("U.S. EPA") for attaining and maintaining the National Ambient Air Quality Standards.

2. Section 113(a)(1)(A) of the Act, 42 U.S.C. §7413(a)(1)(A), in applicable part, authorizes the Administrator of the U.S. EPA ("Administrator") to issue an order requiring a person to comply with the requirements of a SIP whenever the Administrator, based on any information available to him, finds that such person has violated or is in violation of these requirements.

3. On April 15, 1974, U.S. EPA approved Ohio Air Pollution Control ("OAC") Rules AP-3-07 and AP-3-11 as part of the SIP for the State of Ohio. (39 Fed. Reg. 13542). On May 27, 1994, U.S. EPA approved OAC Rule 3745-17-07, which superseded Rule AP-3-07, as well as OAC Rule 3745-17-10, which superseded Rule AP-3-11. (59 Fed. Reg. 27464). OAC Rule 3745-17-07 regulates the opacity of emissions to the atmosphere. OAC Rule 3745-17-10 limits the particulate matter that a source can discharge into the atmosphere. The federally approved Ohio SIP is an implementation plan within

the meaning of Section 110 of the Act, 42 U.S.C. §7410.

4. Section 114(a)(1) of the Act, 42 U.S.C. §7414(a)(1), authorizes the Administrator to require any person who owns or operates any emission source or who is subject to any requirement of this Act, on a one-time, periodic, or continuous basis to sample emissions in a prescribed manner, for the purpose of determining violations of the SIP and of the Act.

FINDINGS

5. First Energy Corporation and the Cleveland Electric Illuminating Company's (FE/CEI)-Avon Lake Station, located in Avon Lake, Ohio, includes two operating coal-fired generating units designated as units 7 and 9. FE/CEI, and units 7 and 9, are subject to the requirements of the Ohio SIP, specifically OAC Rules 3745-17-07 and 3745-17-10.

6. U.S. EPA issued a Notice of Violation (NOV) to FE/CEI on August 21, 1998, alleging violations of the Ohio SIP opacity limitations on units 6, 7 and 9 at the Avon Lake Station.

7. FE/CEI met with U.S. EPA on October 1, 1998, to discuss the violations cited in the August 21, 1998 NOV.

8. On November 4, 1998, FE/CEI submitted information to U.S. EPA requested at the October 1, 1998 meeting and during a follow-up teleconference on October 5, 1998.

9. On November 13, 1998, FE/CEI submitted a proposed compliance plan to U.S. EPA.

10. After a review of information submitted to the U.S. EPA and a thorough investigation of all relevant facts, U.S. EPA has determined that the compliance program set forth in this Order is reasonable:

THEREFORE, IT IS ORDERED AND AGREED THAT:

ORDER

11. As of the effective date of this Order, FE/CEI shall achieve, demonstrate, and maintain continuous compliance with OAC Rules 3745-17-07 and 3745-17-10 on its unit 9 at the Avon Lake Station.

12. In order to maintain compliance with applicable opacity and particulate emission limitations, FE/CEI shall submit a structured inspection and maintenance program for the unit 9 electrostatic precipitator (ESP) within 30 days of issuance of this Order.

13. In order to assess compliance with applicable particulate emission limitation requirements FE/CEI shall conduct stack testing of unit 9, in accordance with the test protocol specified in Appendix A attached hereto, as follows:

    (a) The first test for unit 9 shall be conducted within 90 days after this Order becomes effective.

    (b) In the years 2000 and 2001, FE/CEI shall conduct annual stack testing on unit 9 within 12 months of the previous stack test.

14. Upon failure of any stack test conducted pursuant to this Order to demonstrate compliance with FE/CEI's applicable particulate emission limit (0.10 pounds per million BTU heat input), FE/CEI shall either retest the unit within 15 days after the final test report is issued with such results demonstrating compliance, or in the absence of demonstrating compliance through retesting of the unit, shall shut down the unit within 15 days after the final test report is issued. Thereafter, FE/CEI may restart the unit only in accordance with the following procedures:

    (a) FE/CEI shall engage a qualified consultant to perform a comprehensive inspection of the boiler and pollution control equipment and to make recommendations regarding corrective measures to the boiler and pollution control equipment sufficient to ensure continuous compliance with applicable particulate and opacity emission limitations. A copy of the consultant's recommendation report shall be submitted to U.S. EPA and Ohio EPA within 5 days of completion.

    (b) FE/CEI may restart the unit only after it completes the recommended corrective measures it deems necessary and appropriate to ensure continuous compliance with the applicable particulate and opacity emission limitations. A report documenting the specific corrective measures completed, and describing the reason(s) for not completing all recommended corrective measures, if applicable, shall be submitted to U.S. EPA and Ohio EPA within 15 days after completing the corrective measures.

(c) Thereafter, FE/CEI shall retest the unit within 45 days following restart to demonstrate compliance with FE/CEI's applicable particulate emission limit (0.10 pounds per million BTU heat input). For a retest after restart, the requirements of condition 2 of Attachment A shall not apply.

15. In order to assess compliance with applicable opacity limitations, FE/CEI shall continue to submit calendar quarterly continuous opacity monitoring excess emission reports to the Ohio Environmental Protection Agency, as currently submitted. In addition, FE/CEI shall submit calendar quarterly summary opacity reports to U.S. EPA showing the total operating time for unit 9 and the total opacity exceedance time and percent exceedance time for unit 9. This summary report shall also include a breakdown of the opacity exceedance time and percentage of operating time for periods of startup, shutdown, boiler malfunction, control equipment malfunction and other causes. Such reports shall be submitted within 30 days of the end of each calendar quarter for the duration of this Order.

16. All reports/notifications, and all other information required by this Order, shall be submitted to:

George Czerniak, Chief
Air Enforcement and Compliance Assurance Branch
United States Environmental Protection Agency
Region 5, Mail Code (AE-17J)
77 West Jackson Boulevard
Chicago, Illinois 60604
Attn: David Schulz

With a copy to:

Robert Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency
1800 WaterMark Drive
P.O. Box 1049
Columbus, Ohio 43215-1049

GENERAL PROVISIONS

17. The provisions of this Order shall apply to and be binding upon FE/CEI, its officers, directors, agents, employees, and any successor(s) in interest.

18. Prior to transfer of ownership of any facilities affected by this Order, FE/CEI and any successor(s) in interest shall give notice of this Order to any successor(s) in interest of such facility and shall simultaneously verify to U.S.EPA and Ohio EPA, to addresses specified herein, that such notice has been given. Upon notice as provided in this paragraph, the provisions of this Order shall transfer to any successor(s)in interest at the time of sale or other disposition of the facility. Upon such transfer, the provisions of this Order shall then apply to and be binding upon any new owner/operator, its officers, directors, agents, employees, and any successor(s) in interest.

19. Pursuant to Section 114 of the Act, 42 U.S.C. § 7414, the Administrator or authorized representatives of U.S. EPA, shall at reasonable times have the right of entry into, upon and through the FE/CEI plant for the purpose of carrying out any inspections, taking photographs, reviewing any records, observing tests, and conducting any tests which are deemed necessary to ensure that the purposes of this Order are effectuated. Copies of any photographs taken shall be provided to FE/CEI upon written request at FE/CEI's expense. FE/CEI reserves the right to request that EPA accord confidential treatment to any photographs taken of equipment and/or processes that constitute trade secrets or confidential and proprietary business information.

20. Nothing in this Order shall be construed to restrict U.S. EPA's authority under Section 114 of the Act, 42 U.S.C. § 7414.

21. Nothing in this Order shall affect the responsibility of FE/CEI to comply with all applicable Federal, State and local laws and regulations, including Section 303 of the Act, 42 U.S.C. § 7603.

22. Nothing in this Order shall be construed to prevent or limit U.S. EPA's right to collect penalties and pursue appropriate relief under Sections 113(b) and 113(d) of the Act, 42 U.S.C. §§ 7413(b) and 7413(d) for violations of the Order or for violations not covered by this Order, including, but not limited to Section 303 of the Act, 42 U.S.C. § 7603.

23. Any and all information required to be maintained or submitted pursuant to this Order is not subject to the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501 et seq., because it seeks collection of information by U.S. EPA from a specific individual or entity to assure compliance with this

administrative action.

24. This Order shall be effective on the date of signature by the Air and Radiation Division Director, and shall remain in effect for a period of three years from that date.

25. FE/CEI, for the purposes only of settlement and resolution of U.S. EPA's August 21, 1998 NOV, and without admission of any fact, violation or liability, consents to the terms of this Order and will not challenge any of its provisions. This Order constitutes a complete and final resolution of U.S. EPA's August 21, 1998 NOV.

5/12/99
Date

Ronald M. Kantorak
Manager, Consolidated Plants
The Cleveland Electric
Illuminating Company

Date

Douglas G. Weber, Attorney
First Energy Corporation

26. The Administrator of U.S. EPA hereby orders FE/CEI to comply with all the terms of this Administrative Order.

6/22/99
Date

for Richard Karl, Acting Director
Air and Radiation Division

ATTACHMENT A

Stack Test Protocol

Stack testing shall be performed in accordance with U.S. EPA Methods 1-5, 40 C.F.R. part 60, Appendix A. Stack testing of FE/CEI's Avon Lake unit 9 shall include the following:

1. Each stack test shall consist of three runs, during which the boiler is operating at its maximum design capacity. If maximum capacity is not achieved during testing a detailed description of the reason(s) therefore shall be submitted in the test report.

2. Each stack test shall be performed after a period of at least four weeks during which no boiler or control equipment cleaning or rehabilitation (other than normal maintenance) has occurred, except in the event of a retest after restart in accordance with paragraph 14© of the Consent Order.

3. At least one run of each test shall be performed during a period of representative soot blowing, which is consistent with the maximum frequency and duration normally experienced for the total testing period.

4. The boiler and air pollution control equipment shall be operated under "normal operating conditions" representative of operation at maximum load. Operating parameters shall be recorded, including MW generation, boiler steam flow, soot blowing cycle, oxygen levels at boiler outlet, ESP electrical readings and flue gas conditioning injection rates, if applicable.

5. Fuel that is representative of "worst case fuel" quality (i.e., coal or fuel blends from contract suppliers representative of the lowest average sulphur quality index- percent sulphur/heat content - with which the boiler operated at or near maximum capacity during the past 12 month period), shall be utilized. Fuel samples shall be obtained during each stack test run. The samples shall be analyzed in accordance with ASTM methods and shall include, at a minimum, the percentage of ash, percentage of sulfur, and the heat content. The results of the analyses shall be submitted with the stack test results.

6. Visible emission observations shall be performed by a certified observer, in accordance with U.S. EPA Method 9, 40 C.F.R. Part
60, Appendix A, throughout the test period. Visible emission

observations shall be conducted unless weather conditions preclude an ability to do so. In such case a written description of the reason shall be included in the report.

7. Any other particulate emission test runs conducted or attempted, before or after the test runs required by this Order, shall be documented and the results submitted within 30 days of such testing.

8. Notification of emission testing shall be sent to U.S. EPA and OEPA at least 15 days prior to the test date.

9. Personnel designated by the agencies shall be permitted to observe all testing, ask questions of testing personnel, and to make any records of the testing, including photographs. Copies of any photographs taken shall be provided to FE/CEI upon written request at FE/CEI's expense. FE/CEI reserves the right to request that EPA accord confidential treatment to any photographs taken of equipment and/or processes that constitute trade secrets or confidential and proprietary business information.

10. A test report shall be submitted to U.S. EPA and OEPA within 30 days of completion of testing and shall contain all information specified above.

CERTIFICATE OF MAILING

I, Yolanda Collins, do hereby certify that an Administrative Order was sent by Certified Mail, Return Receipt Requested, to:

Douglas J. Weber, Attorney
First Energy Corporation
76 South Main Street
Akron, Ohio 44308

I also certify that a copy of the Administrative Order was sent by first class mail to:

Robert Hodanbosi, Chief
Division of Air Polution Control
Ohio Environmental Protection Agency
1800 WaterMark Drive
P.O. Box 1049
Columbus, Ohio 43215-1049

on the 23rd day of June 1999.

Yolanda R. Collins

Yolanda R. Collins, Secretary
Air Enforcement and Compliance
Assurance Branch

P 564 185 655
CERTIFIED MAIL RECEIPT NUMBER