

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)
)
Kent State University) **NOTICE OF VIOLATION**
Kent, Ohio)
) **EPA-5-02-OH-04**
Proceedings Pursuant to)
Section 113(a)(1) of the)
Clean Air Act, 42 U.S.C.)
§ 7413(a)(1))
_____)

NOTICE OF VIOLATION

The United States Environmental Protection Agency (U.S.EPA) is issuing this Notice of Violation under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1). U.S.EPA finds that Kent State University (KSU) is violating the Ohio State Implementation Plan (SIP), as follows:

Statutory and Regulatory Background

1. On June 10, 1982, U.S.EPA approved OAC Chapter 3745-35-02 as part of the federally enforceable SIP for Ohio. (47 Fed. Reg. 25144). Revisions to OAC 3745-35-02 were approved as part of the federally enforceable SIP on June 8, 1999 (64 Fed. Reg 30394).
2. OAC 3745-35-02 prohibits the operation of any air contaminant source without applying for and obtaining a permit to operate from the Ohio Environmental Protection Agency (OEPA).

KSU's Heating Plant

3. Kent State University (KSU or the University) owns and operates a heating plant for the purpose of providing useful heat and cooling for the University. On January 22, 2001, KSU completed construction of a new natural gas boiler(B006).
4. Boiler B006 is an air contaminant source and is subject to the requirement to obtain a permit to operate found in the Ohio SIP at OAC 3745-35-02.

Violations

5. On July 8, 1999, The State of Ohio issued Permit to Install (PTI) 16-1757 to allow KSU to install new boilers, B005, B006 and B007, at its heating plant.
6. In the General Permit Conditions in a paragraph entitled Permit to Operate Application, PTI 16-1757 states, "A Permit to Operate application must be submitted to the appropriate field office for each air contaminant source in this Permit to Install. In accordance with OAC Rule 3745-35-02, the application shall be filed no later than thirty days after commencement of operation."
7. According to information submitted by KSU in response to an information request issued by U.S. EPA on November 8, 2001, Boiler B006 commenced operation on January 22, 2001.
8. Therefore, PTI 16-1757 required a permit application no later than February 21, 2001.
9. According to OEPA records KSU did not submit an application for a Permit to Operate until November 14, 2001.
10. Therefore, KSU is in violation of OAC 3745-35-02 and/or PTI 16-1757.

3-6-02
Date



Bharat Mathur, Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Notice of Violation, No. EPA-5-02-OH-[], by Certified Mail, Return Receipt Requested, to:

Dr. Carol A. Cartwright, President
Kent State University
Kent, Ohio 44242

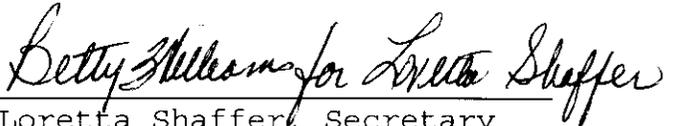
I also certify that I sent copies of the Notice of Violation by first class mail to:

Joe Orr, Manager
Kent State Heating Plant
Kent State University
Kent, Ohio 44242

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

Lynn Malcolm
Akron Regional Air Quality Management District
146 S. High St., Room 901
Akron, Ohio 44308

on the 4th day of March, 2002.


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

CERTIFIED MAIL RECEIPT NUMBER: 7099 3400 0000 9581 0492