

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

	)	
	)	
Cinergy Corporation	)	<b>NOTICE OF VIOLATION</b>
Cincinnati Gas & Electric Co.	)	
W.C. Beckjord Station	)	<b>EPA-5-00-OH-05</b>
New Richmond, Ohio	)	
	)	
	)	
Proceedings Pursuant to	)	
Section 113(a)(1) of the	)	
Clean Air Act,	)	
42 U.S.C. § 7413(a)(1)	)	

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**NOTICE OF VIOLATION**

The Administrator of 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. U.S. EPA finds that Cinergy Corporation (Cinergy), and the Cincinnati Gas and Electric Company (CG&E) are violating the federally approved Ohio State Implementation Plan (SIP), as follows:

**Statutory and Regulatory Background**

1. On May 27, 1994, U.S. EPA approved the Ohio Administrative Code ("OAC") Rule 3745-17-10 as part of the federally enforceable SIP for Ohio. 59 Fed. Reg. 27464.
2. OAC Rule 3745-17-10 limits the emission of particulate matter from fuel burning equipment at any plant with a total heat input capacity greater than 1,000 mmBTU/hr to 0.10 pounds of particulate matter per million BTU heat input (lb/mmBTU)

**Factual Background**

3. Cinergy Corporation and CG&E are owners and/or operators of a coal-fired generating units designated as unit 1 and unit 2 located at the W.C. Beckjord Station, 757 US Route 52, New Richmond, Ohio 45157.
4. Emissions from unit 1 and unit 2 are subject to the particulate matter limits set forth at 3745-17-10

5. Because OAC Rule 3745-17-10 is part of the Ohio SIP, it is federally enforceable under Section 113 of the Act.
6. 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.
7. 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.
8. 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.
9. 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 Cinergy's violating units.
10. 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.
11. On October 21-22, 1999, a stack test for particulate matter was conducted at Cinergy's and CG&E's, W.C. Beckjord Station, unit 2. Stack test results show particulate emissions from unit 2 were 0.39 lb-PM/mmBTU.
12. 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**

13. The stack test results in paragraph 10 indicate actual particulate emissions at unit 1 exceed the allowable emission limit of 0.10 lb-PM/mmBTU, in violation of OAC Rule 3745-17-10 and the Ohio SIP.

14. The stack test results in paragraph 11 indicate actual particulate emissions at unit 2 exceed the allowable emission limit of 0.10 lb-PM/mmBTU, in violation of OAC Rule 3745-17-10 and the Ohio SIP.

Nov. 30, 1999  
Date

  
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Margaret M. Guerriero, Acting Direct  
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