



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

AUG 18 2000

REPLY TO THE ATTENTION OF

(AE-17J)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Thomas A. Green
Electric Power Superintendent
Painesville Municipal Electric Plant
City of Painesville
325 Richmond Street
Painesville, Ohio 44077

Dear Mr. Green:

The U. S. Environmental Protection Agency is issuing the enclosed Notice of Violation and Finding of Violation (NOV/FOV) to the City of Painesville, Painesville Municipal Electric Plant (PMEP or you). This NOV/FOV is issued in accordance with Section 113(a) of the Clean Air Act (the Act), 42 U.S.C. § 7413(a).

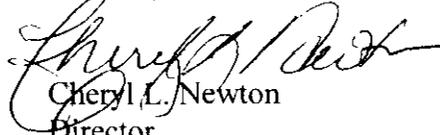
EPA has determined that PMEP violated and continues to violate the Prevention of Significant Deterioration requirements under Section 165 of the Act, 42 U.S.C. § 7475; the Nonattainment New Source Review requirements under Section 173 – 193 of the Act, 42 U.S.C. §§ 7501-7515; the New Source Performance Standards under Section 111 of the Act, 42 U.S.C. § 7411; the Operating Permit requirements under Title V of the Act, 42 U.S.C. §§ 7661 – 7661e, and the Ohio State Implementation Plan under Section 110 of the Act, 42 U.S.C. § 7410, at its electric generating plant in Painesville, Ohio.

EPA is offering you an opportunity to confer with us about the violations cited in the NOV/FOV. The conference will give you an opportunity to present information on the specific findings of violations, and the steps you will take to bring PMEP into compliance. Please plan for your technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Erik Hardin. You may call him at (312) 886-2402, to request a conference. You should make your request for a conference no later than 10 calendar

days after you receive this letter, and we should hold any conference within 30 calendar days of your receipt of this letter.

Sincerely,



Cheryl L. Newton
Director
Air and Radiation Division

Enclosure

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

Dennis Bush, APC Supervisor
Northeast District Office
2110 East Aurora Road
Twinsburg, Ohio 44087

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:) Notice of Violation and Finding of Violation
)
The City of Painesville) EPA-5-09-OH-22
Painesville Municipal Electric Plant,)
Painesville, Ohio) Proceedings Under Sections 113(a)(1) and (a)(3)
) of the Clean Air Act, 42 U.S.C. §§ 7413(a)(1)
) and (a)(3)

NOTICE AND FINDING OF VIOLATIONS

The City of Painesville owns and operates the Painesville Municipal Electric Plant (PMEP) located at 325 Richmond Street, Painesville, Ohio. The U.S. Environmental Protection Agency is sending this Notice of Violation and Finding of Violation (NOV/FOV) to PMEP under Sections 113(a)(1) and (a)(3) of the Clean Air Act (CAA or Act), 42 U.S.C. §§ 7413(a)(1) and (a)(3). As explained below, EPA finds that PMEP is in violation of the CAA, 42 U.S.C. §§ 7401 *et seq.*

You may request a conference with us to discuss the violations cited in this 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 PMEP's technical and management personnel to take part in these discussions.

I. Statutory and Regulatory Background

Prevention of Significant Deterioration

1. When the Act was passed in 1970, Congress exempted existing facilities, including the coal-fired power plant that is the subject of this NOV/FOV, from many of its requirements. However, Congress also made it quite clear that this exemption would not last forever. As the United States Court of Appeals for the D.C. Circuit explained in *Alabama Power v. Costle*, 636 F.2d 323, 400 (D.C. Cir. 1979), “[t]he statutory scheme intends to ‘grandfather’ existing industries; but . . . this is not to constitute a perpetual immunity from all standards under the PSD program.” Rather, the Act requires grandfathered facilities to install modern pollution control devices whenever the unit is proposed to be modified in such a way that its emissions may increase.
2. The Prevention of Significant Deterioration (PSD) provisions of Part C of Title I of the Act establish specific requirements applicable to the construction and modification of major

emitting facilities located in areas designated as either attainment or unclassifiable for purposes of meeting the National Ambient Air Quality Standards (NAAQS). *See* 42 U.S.C. §§ 7470-7492.

3. These PSD provisions prohibit, among other things, a major emitting facility from constructing a major modification unless it has obtained a PSD permit, applies Best Available Control Technology (BACT), and conducts an analysis to determine the air quality impacts. *See* Section 165 of the Act, 42 U.S.C. § 7475.

4. States are required to adopt state implementation plans (SIPs) that contain regulations to implement the PSD provisions. *See* Section 110(a) and 161 of the Act, 42 U.S.C. §§ 7410(a) and 7471.

5. A state may comply with Sections 110(a) and 161 of the Act by having its own PSD regulations approved as part of its SIP by EPA, which must be at least as stringent as those set forth at 40 C.F.R. § 51.166.

6. If a state does not have PSD regulations that have been approved by EPA and incorporated into its SIP, the federal PSD regulations set forth at 40 C.F.R. § 52.21 may be incorporated into the SIP. 40 C.F.R. § 52.21(a).

7. On August 7, 1980 EPA disapproved Ohio's proposed PSD program. 45 *Fed. Reg.* 52741. Accordingly, EPA incorporated the PSD regulations of 40 C.F.R. § 52.21(b) through (w) into the Ohio SIP at 40 C.F.R. § 1884. The regulations codified at 40 C.F.R. § 52.21 were incorporated into the Ohio SIP until October 10, 2001.

8. Effective October 10, 2001, EPA conditionally approved and incorporated Ohio's PSD regulations into the SIP. 66 *Fed. Reg.* 51570. On January 22, 2003, EPA fully approved Ohio's PSD SIP regulations. 68 *Fed. Reg.* 2909. The Ohio PSD regulations currently are codified at Ohio Administrative Code (OAC) §§ 3745-31-11 to 3745-31-20.

9. "Major stationary source" is defined to include a fossil-fuel fired steam electric plant of more than 250 million British thermal units per hour (MMBtu/hr) heat input that emits or has the potential to emit one hundred tons per year or more of any regulated air pollutant. 40 C.F.R. § 52.21(b)(1)(i)(a) and OAC § 3745-31-01(SS)(2).

10. "Major modification" is defined as any physical change in or change in the method of operation of a major stationary source that would result in a significant net emission increase of any pollutant subject to regulation under the Act. 40 C.F.R. § 52.21(b)(2)(i) and OAC § 3745-31-01(RR).

11. "Significant" is defined as (in reference to a net emissions increase) an increase in the following amounts of the following pollutants: 40 tons per year for sulfur dioxide (SO₂), 40 tons per year for nitrogen oxides (NO_x), and 25 tons per year for particulate matter (PM). 40 C.F.R. § 52.21(b)(23)(i) and OAC § 3745-31-01(SSS).

12. "Net emissions increase" means the amount by which the sum of the following exceeds zero: (a) any increase in actual emissions from a particular physical change or change in method of operation at a stationary source; and (b) any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable. 40 C.F.R. § 52.21(b)(3)(i) and § OAC 3745-31-01(Y Y).

13. A major stationary source constructing a major modification in an attainment area must, among other things, obtain a PSD permit, install and operate BACT for each pollutant subject to regulation under the Act for which the modification would result in a significant net emissions increase, and conduct an analysis to determine the air quality impacts. 40 C.F.R. §§ 52.21(i), (j), and (k), respectively; and OAC §§ 3745-31-02, 3745-31-15, and 3745-31-16, respectively.

Nonattainment New Source Review

14. Part D of Title I of the Act, 42 U.S.C. §§ 7501-7515, sets forth provisions for New Source Review (NSR) requirements for areas designated as Nonattainment with the NAAQS. These provisions are referred to herein as the "Nonattainment NSR" provisions. The Nonattainment NSR provisions are intended to reduce emissions of air pollutants in areas that have not attained NAAQS so that these areas make progress towards meeting the NAAQS. Prior to the 1990 Clean Air Act Amendments, the Nonattainment NSR provisions were set forth at 42 U.S.C. §§ 7501-7508.

15. Under Section 172(c)(5) of the Nonattainment NSR provisions of the Act, 42 U.S.C. § 7502(c)(5), a state is required to adopt Nonattainment NSR SIP regulations that include provisions that require that permits for the construction and operation of modified major stationary sources within nonattainment areas conform to the requirements of Section 173 of the Act, 42 U.S.C. § 7503.

16. Section 173 of the Act, in turn, sets forth a series of requirements for the issuance of permits for major modifications to major stationary sources within nonattainment areas. Construction and operating permits may be issued if, among other things, the source has obtained sufficient offsets, and the source employs pollution controls to achieve the Lowest Achievable Emission Rate (LAER). *See* Section 173 of the Act, 42 U.S.C. § 7503.

17. On October 31, 1980, EPA conditionally approved and incorporated Ohio's Nonattainment NSR regulations into the SIP. 45 *Fed. Reg.* 72119. On September 8, 1993, EPA approved and incorporated revisions to Ohio's Nonattainment NSR regulations into the SIP. 58 *Fed. Reg.* 47211. On January 10, 2003, EPA again approved and incorporated revisions to Ohio's Nonattainment NSR regulations into the SIP. 68 *Fed. Reg.* 1366.

18. These Nonattainment NSR SIP regulations were promulgated under the Nonattainment NSR requirements of Part D of Title I of the CAA, 42 U.S.C. §§ 7501-7515. These SIP regulations are currently codified at OAC §§ 3745-31-21 through 3745-31-27.

19. Under Ohio's approved Nonattainment NSR SIP regulations, no person may undertake a major modification of an existing major stationary source located in a nonattainment area

without first obtaining a Nonattainment NSR permit from the Ohio Environmental Protection Agency (OEPA). OAC § 3745-31-21(A).

20. To obtain a Nonattainment NSR permit, the Ohio SIP requires the owner or operator of a source undertaking a major modification to, among other things, employ pollution controls to achieve LAER, and obtain federally enforceable emissions offsets. OAC § 3745-31-22(A)(1) and (A)(3), respectively.

21. NO_x is a nonattainment air pollutant for any area designated nonattainment for ozone. *See* Section 182(f) of the Act, 42 U.S.C. § 7511a(f), and OAC § 3745-31-26(B).

22. "Major stationary source," as it applies to sources located in nonattainment areas, is defined as a source that emits or has the potential to emit 100 tons per year or more of any pollutant regulated under the Act. OAC § 3745-31-01(SS)(1).

23. The Ohio SIP defines "major modification," "significant," and "net emissions increase" identically for nonattainment and attainment areas. *See* OAC § 3745-31-01(RR), (SSS), and (YY), respectively.

New Source Performance Standards

24. Under Sections 111 and 114 of the Act, 42 U.S.C. §§ 7411 and 7414, EPA promulgated the general provisions of the New Source Performance Standards (NSPS), which are codified at 40 C.F.R. Part 60, Subpart A, §§ 60.1 - 60.19.

25. Under the NSPS general provisions, any physical or operational change to an existing facility which results in an increase in the emission rate to the atmosphere of any pollutant to which an NSPS applies shall be considered a modification. Upon modification, an existing facility shall become subject to the NSPS for each pollutant to which the NSPS applies. 40 C.F.R. § 60.14.

26. Under Sections 111 and 114 of the Act, 42 U.S.C. §§ 7411 and 7414, EPA promulgated NSPS, Subpart Da, which applies to any electric utility steam generating unit capable of combusting more than 250 MMBtu/hr heat input of fossil fuel that is modified after September 18, 1978.

27. Under Subpart Da, "steam generating unit" means any furnace, boiler, or other device used for combusting fuel for the purpose of producing steam. 40 C.F.R. § 60.41Da.

28. Under Subpart Da, "electric utility steam generating unit" means any steam electric generating unit that is constructed for the purpose of supplying more than one-third of its potential electric output capacity and more than 25 megawatt electrical output to any utility power distribution system for sale. 40 C.F.R. § 60.41Da.

29. The owner or operator of an electric utility steam generating unit subject to Subpart Da may not discharge PM, SO₂, and NO_x in excess of the applicable emissions limitations at

40 C.F.R. §§ 60.42Da(a), 60.43Da(a), and 60.44Da(a), respectively.

30. Under Sections 111 and 114 of the Act, 42 U.S.C. §§ 7411 and 7414, EPA promulgated NSPS, Subpart Db, which applies to, among other things, any steam generating unit capable of combusting between 100 and 250 MMBtu/hr that is modified after June 19, 1984.

31. Under Subpart Db, "steam generating unit" means, among other things, a device that combusts any fuel and produces steam or heats water or heats any heat transfer medium.
40 C.F.R. § 60.41b.

32. The owner or operator of an electric utility steam generating unit subject to Subpart Da may not discharge SO₂, PM, and NO_x in excess of the applicable emissions limitations at 40 C.F.R. §§ 60.42b(a), 60.43b(a), and 60.44b(a), respectively.

Title V of the Act

33. Title V of the Act, 42 U.S.C. §§ 7661-7661f, establishes an operating permit program for certain sources, including "major sources." The purpose of Title V is to ensure that all applicable requirements -- including PSD, Nonattainment NSR, and NSPS requirements -- are included in the source's Title V operating permit.

34. "Major source" means, among other things, any source that emits or has the potential to emit one hundred tons per year or more of any air pollutant. Section 501(2)(B) of the Act, 42 U.S.C. § 7661(2)(B).

35. Section 503 of the CAA, 42 U.S.C. § 7661b, sets forth the requirement to timely submit an application for an operating permit, including information required to be submitted with the application.

36. Section 504(a) of the CAA, 42 U.S.C. § 7661c(a), requires that each Title V operating permit include enforceable emission limitations and standards, a schedule of compliance, and other conditions necessary to assure compliance with applicable requirements, including those contained in a state implementation plan. 42 U.S.C. § 7661c(a).

37. Under Title V of the Act, EPA promulgated regulations governing state Title V operating permit programs. The regulations are set forth at 40 C.F.R. Part 70.

38. EPA approved Ohio's Title V operating program on August 15, 1995. 60 *Fed. Reg.* 42045. Ohio's Title V operating permit regulations are codified at OAC Chapter 3745-77, and are federally enforceable under Section 113(a)(3) of the Act, 42 U.S.C. 7413.

39. A source subject to the Title V operating permit program shall not operate the source after the date that a timely and complete Title V permit application is required to be submitted, except in compliance with a Title V operating permit. OAC § 3745-77-02(A). *See also* 40 C.F.R. § 70.1(b) ("All sources subject to these regulations shall have a permit to operate that assures compliance by the source with all applicable requirements.")

40. A Title V operating permit shall include emission limitations and standards, including those operational requirements and limitations that assure compliance with all applicable requirements at time of issuance. OAC § 3745-77-07(A), *see also* 40 C.F.R. § 70.1(b).

41. The owner or operator of a source subject to the Title V operating permit program is required to submit an application that includes, among other things, a citation to and description of all applicable requirements. OAC § 3745-77-03(A), *see also* 40 C.F.R. § 70.5.

42. Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. OAC § 3745-77-03(F), *see also* 40 C.F.R. § 70.5.

Visible Particulate Matter Emissions

43. EPA approved OAC § 3745-17-07(A)(1), regarding a visible particulate matter emissions limitation from stacks, into the federally enforceable Ohio SIP on May 27, 1994. *59 Fed. Reg.* 27464.

44. Part III.A.1.1 of PMEP's Title V permit and OAC § 3745-17-07(A)(1) prohibit Boilers B001, B002, and B003, from emitting visible particulate emissions that exceed 20 percent opacity as a six-minute average, except for one six minute period that does not exceed 60 percent opacity in any 60 minutes.

II. General Factual Background

45. The general factual background in this section is relevant to one or more violations cited in this NOV/FOV.

46. The City of Painesville owns and operates PMEP. PMEP provides electricity to the City of Painesville.

47. The City of Painesville is a "person" within the meaning of Section 302 of the Act, 42 U.S.C. § 7602.

48. At all times relevant to this NOV/FOV, PMEP was located in an area designated attainment for SO₂, NO₂, PM, and PM less than ten microns. 40 C.F.R. § 81.336.

49. From July 1, 1978, to May 7, 1996; and from June 15, 2004 to the present; PMEP was located in an area designated nonattainment for ozone. 40 C.F.R. § 81.336.

50. From August 14, 1995 to May 7, 1996, PMEP was located in an area that was issued a NO_x waiver for ozone under Section 182(f) of the Act, 42 U.S.C. § 7511a (thereby exempting NO_x as a nonattainment air pollutant for the area under the Nonattainment NSR requirements). *60 Fed. Reg.* 36051 (July 13, 1995).

51. Therefore, for the purposes of Nonattainment NSR applicability, from August 14, 1995 to June 15, 2004, PMEP was located in an area in which NO_x was not a nonattainment air pollutant under the Nonattainment NSR requirements. Section 182(f) of the Act, 42 U.S.C. § 7511a; and OAC § 3745-31-26(B).

52. PMEP includes three coal fired boilers: Boiler 3 (B003), Boiler 4 (B004), and Boiler 5 (B005).

53. Boilers 3 and 4 are coal-fired, spreader-stoker boilers and have heat input capacities of 218 and 380 MMBtu/hr, respectively. Boiler 5 is a pulverized-coal boiler that, under a consent agreement with the United States, was and is required to be physically derated to a heat input capacity of less than 250 MMBtu/hr of heat input.

54. PMEP is a fossil fuel-fired steam electric plant of more than 250 MMBtu/hr, and emits or has the potential to emit 100 tons per year or more SO₂, PM, and NO_x. Therefore, PMEP constitutes a "major stationary source" within the meaning of 40 C.F.R. § 52.21(b)(1)(i)(a), OAC §§ 3745-31-01(SS)(2), and 3745-31-01(SS)(1); a "major emitting facility" within the meaning of Section 169(1) of the Act, 42 U.S.C. § 7479(1); and a "major source" within the meaning of Section 501(2)(B) of the Act, 42 U.S.C. § 7661(2)(B).

55. Between 1985 and 2006, PMEP undertook various physical changes and/or changes in the method of operation (projects) to Boiler 3, Boiler 4, and Boiler 5. Each project, the year(s) each project took place, and Boiler on which the each project took place is listed in Appendix A to this NOV/FOV.

III. Violations

Prevention of Significant Deterioration

56. Project 1 resulted in a significant net increase in emissions of SO₂, NO_x and/or PM within the meaning of 40 C.F.R. § 52.21(b)(23)(i), OAC § 3745-31-01(SSS), 40 C.F.R. § 52.21(b)(3)(i), and OAC § 3745-31-01(YY).

57. Therefore, Project 1 constitutes a major modification for SO₂ and PM within the meaning of 40 C.F.R. § 52.21(b)(2)(i) and OAC § 3745-31-01(RR). (The project does not constitute a major modification for NO_x within the meaning of 40 C.F.R. § 52.21(b)(2)(i) because PMEP undertook the project while the area was designated nonattainment for ozone.)

58. Projects 2 through 10 each resulted in a significant net increase in emissions of SO₂ NO_x and/or PM within the meaning of 40 C.F.R. § 52.21(b)(23)(i), OAC § 3745-31-01(SSS), 40 C.F.R. § 52.21(b)(3)(i), and OAC § 3745-31-01(YY).

- a. Therefore, Projects 2 through 10 constitute major modifications for SO₂ within the meaning of 40 C.F.R. § 52.21(b)(2)(i) and OAC § 3745-31-01(RR); and

- b. Therefore, Projects 8 through 10, which PMEP undertook while the area was designated attainment for ozone, constitute major modifications for NO_x within the meaning of 40 C.F.R. § 52.21(b)(2)(i) and OAC § 3745-31-01(RR).

59. For each of the Projects and pollutants listed in above Paragraphs 57 and 58, PMEP violated and continues to violate Section 165 of the Act, 42 U.S.C. § 7475 by constructing a major modification to a major stationary source in an attainment area and failing to, among other things, obtain a PSD permit, install and operate BACT for each pollutant for which the modification resulted in a significant net emissions increase, and conduct an analysis to determine the air quality impacts. 40 C.F.R. §§ 52.21(i), (j), and (k), respectively; and OAC §§ 3745-31-02(A), 3745-31-02, 3745-31-15, and 3745-31-16, respectively.

Nonattainment New Source Review

60. Projects 1 through 7 each resulted in a significant net increase in emissions of NO_x within the meaning of OAC §§ 3745-31-01(SSS) and 3745-31-01(YY).

61. Therefore, Projects 1 through 7 constitute major modifications for NO_x within the meaning of OAC § 3745-31-01(RR).

62. For Projects 1 through 7, for NO_x, PMEP violated and continues to violate Section 173 of the Act, 42 U.S.C. § 7503, by constructing a major modification to a major stationary source and failing to, among other things, obtain a Nonattainment NSR permit, employ pollution controls to achieve LAER, and obtain federally enforceable emissions offsets. OAC §§ 3745-31-21(A), 3745-31-22(A)(1) and (A)(3), respectively.

New Source Performance Standards

63. Boiler 3 constitutes a “steam generating unit” within the meaning of 40 C.F.R. § 60.41b.

64. Upon undertaking Project 1 (as described in Appendix A), PMEP undertook a physical and/or operational change to Boiler 3, which increased the emission rate to the atmosphere of SO₂, NO_x and/or PM. Therefore, PMEP undertook a modification to Boiler 3 within the meaning of 40 C.F.R. § 60.14.

65. For Boiler 3, PMEP violated and continues to violate Section 111(e) of the Act, 42 U.S.C. § 7411(e) by failing to install the necessary pollution control technology to achieve, demonstrate, and maintain compliance with the applicable emission limitations under NSPS, Subpart Db, including discharging SO₂, PM, and NO_x in excess of the applicable emissions limitations at 40 C.F.R. §§ 60.42b(a), 60.43b(a), and 60.44b(a), respectively.

66. Boiler 4 constitutes a “steam generating unit” and an “electric utility steam generating unit” as those terms are defined at 40 C.F.R. § 60.41Da.

67. Upon undertaking Project 1 (as described in Appendix A), PMEP undertook a physical and/or operational change to Boiler 4, which increased the emission rate to the atmosphere of

SO₂, NO_x and/or PM. Therefore, PMEP undertook a modification to Boiler 3 within the meaning of 40 C.F.R. § 60.14.

68. For Boiler 4, PMEP violated and continues to violate Section 111(e) of the Act, 42 U.S.C. § 7411(e) by failing to install the necessary pollution control technology to achieve, demonstrate, and maintain compliance with the applicable emission limitations under NSPS, Subpart Da, including discharging SO₂, PM, and NO_x in excess of the applicable emissions limitations at 40 C.F.R. §§ 60.42Da(a), 60.43Da(a), and 60.44Da(a), respectively.

Title V of the Act

69. PMEP, as a "major source," is subject to Title V of the Act and its implementing regulations at 40 C.F.R. Part 70 and OAC Chapter 3745-77.

70. As set forth above, PMEP undertook major modifications at each of the boilers at PMEP that subjected it to the requirements of the PSD provisions, the Nonattainment NSR provisions, and the NSPS provisions.

71. PMEP violated and continues to violate Title V of the Act and its implementing regulations by operating PMEP with a Title V permit that does not include all applicable requirements, failing to submit a complete permit application that identifies all applicable requirements, and by failing to update its Title V permit application to identify all applicable requirements. See OAC §§ 3745-77-02(A), 3745-77-03(A), 3745-77-03(F), and 3745-77-07(A); see also 40 C.F.R. §§ 70.1(b) and 70.5.

Visible Particulate Matter Emissions

72. PMEP violated Part III.A.1.1 of its Title V permit and OAC § 3745-17-07(A)(1) by emitting from Boilers B001, B002, and B003 visible particulate emissions that exceed 20 percent opacity as a six-minute average, except for one six-minute period that does not exceed 60 percent opacity in any 60 minutes, as specified in the table below:

Years	Emission ID	Description of Violation
2004 - 2008	B001	2,544 minutes of opacity violation
2004 - 2008	B003/B004	8,794 minutes of opacity violation

8/18/09
Date


Cheryl L. Newton
Director
Air and Radiation Division

Appendix A

Project	Year of Project	Boiler(s)	Project Description
1	~1985	B003 and B004	Installed an ESP in addition to several other project items to allow boilers to begin operating regularly after a number of years in standby mode. Other project items included installation of an ID fan, replaced and upgraded coal feeder, and, for B004, replaced economizer.
2	1990 – 1991	B003	Roof tube and superheater work
3	2005	B003	Retubed tubular air heater
4	1988 – 1989	B004	Replacements of waterwall tube
5	1992	B004	Partial replacement of air heater and economizer
6	2006	B004	Retubed tubular Air heater
7	1993	B005	Rebuilt south pulverizer
8	1996- 1997	B005	Replacements of waterwall tube
9	1999	B005	Rebuilt north pulverizer
10	2000	B005	Replacement of secondary superheater

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Notice and Finding of Violation, No. EPA-5-09-OH-22, by Certified Mail, Return Receipt Requested, to:

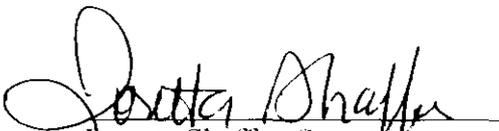
Thomas Green, Environmental Affairs Manager
Painesville Municipal Electric Plant
325 Richmond Street
Painesville, Ohio 44077

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 Protection Agency

Dennis Bush, APC Supervisor
Northeast District Office
2110 East Aurora Road
Twinsburg, Ohio 44087

on the 19 day of Aug, 2009.


Loretta Shaffer, Secretary
AECAS, (MN/OH)

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0006 0192 1635