



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

SEP 26 2007

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

OCT - 1 2007

Mr. Robert J. Ehrler  
Senior Corporate Attorney  
E.ON U.S.  
220 West Main Street  
Louisville, KY 40232

SUBJ: Notice of Violation

Dear Mr. Ehrler:

Enclosed is a Notice of Violation (NOV) issued to E.ON U.S. under Section 113(a)(1) of the Clean Air Act (CAA), 42 U.S.C. § 7413(a)(1). In the NOV, the United States Environmental Protection Agency notifies E.ON U.S. of violations of the Kentucky State Implementation Plan and the New Source Performance Standard requirements of the CAA at the Ghent Station, operated by Kentucky Utilities, a subsidiary of E.ON U.S.

Please note the opportunity to confer outlined in the NOV. As indicated in the NOV, any request to confer should be directed to Jennifer Lewis, Associate Regional Counsel. Ms. Lewis can be reached at (404) 562-9518.

Sincerely,

Beverly H. Banister  
Director  
Air, Pesticides and Toxics  
Management Division

Enclosure

cc: Jeff Cummins, KDENF  
John Lyons, KDAQ

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4

IN THE MATTER OF: )  
 )  
E.ON U.S. ) **Notice of Violation**  
 )  
 )  
Proceedings Pursuant to )  
Section 113 of the )  
Clean Air Act, 42 U.S.C. )  
§ 7413 )  
\_\_\_\_\_ )

**NOTICE OF VIOLATION**

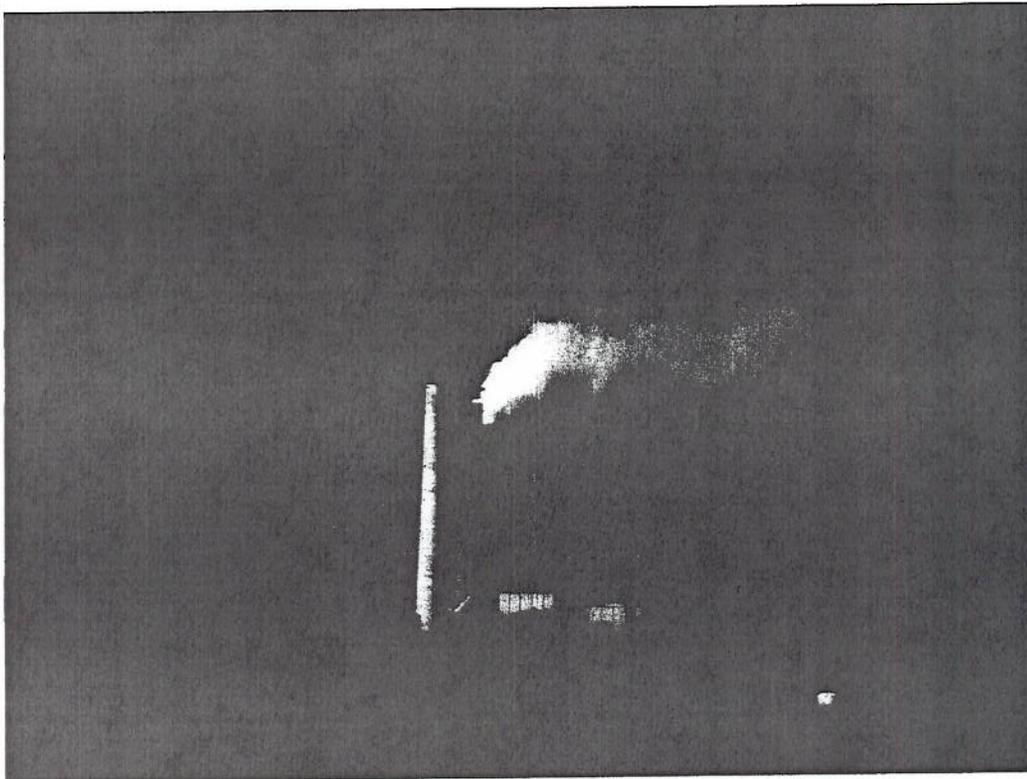
This Notice of Violation (NOV) is issued to E.ON U.S. for violations of the Clean Air Act (the Act) at the Ghent Station, operated by Kentucky Utilities (KU), a subsidiary of E.ON U.S. The Ghent Station is a coal-fired power plant located on U.S. Highway 42, Ghent, Kentucky. E.ON U.S.'s headquarters and principal place of business is located in Louisville, KY. Specifically, this NOV alleges violations of the Kentucky State Implementation Plan, and the New Source Performance Standard requirements of the Act. This NOV is issued pursuant to Section 113 of the Act, as amended, 42 U.S.C.A. Sections 7401-7671q. The authority to issue this NOV has been delegated to the Regional Administrator of the United States Environment Protection Agency (U.S. EPA, EPA, or the Agency) Region 4 and further re-delegated to the Director, Air, Pesticides and Toxics Management Division, U.S. EPA, Region 4.

**FACTUAL AND REGULATORY BACKGROUND**

1. Pursuant to 401 KAR 61:015, Section 4(4), emissions from Unit 1 at the Ghent plant shall not exceed 40% opacity based on a six-minute average except that a maximum of 60% opacity is allowed for a period or aggregate of periods of not more than six minutes in any sixty minutes during building a new fire, cleaning the firebox, or blowing soot.
2. Pursuant to 401 KAR 59:015, Section 4(2) and 40 CFR 60.42(a)(2) of Subpart D, emissions from Unit 3 at the Ghent plant shall not exceed 20% opacity based on a six-minute average except that a maximum of 27% opacity shall be permissible for not more than one six minute period in any sixty consecutive minutes.
3. Units 1 and 3 at the Ghent plant currently are vented to a common stack known as Emission Point 03.
4. On June 20, 2007, beginning at 5:47 pm, EPA measured, using Method 9, emissions from Emission Point 03 at the Ghent plant. EPA measured and recorded a 6-minute average

opacity (24 consecutive 15-second readings) of 91.9%. EPA measured and recorded a second 6-minute average opacity of 89.8%. The photograph below was taken during EPA's Method 9 readings.

5. Emissions from Emission Point 03 at the Ghent plant appeared at various points during June 19, 20 and 21, 2007, much as they do in the photograph below. Also during this period, the plume from emissions point 3 was observed coming into contact with the hillside to the south of the Ghent plant.
6. The Kentucky Division for Air Quality informed EPA that opacity from Emission Point 3 at the Ghent plant during the week of July 2, 2007, continued to be at elevated levels above 40%.



## **FINDINGS**

7. As a result of high opacity from Emission Point 03 at the Ghent plant, E.ON U.S. has violated 401 KAR 61:015, Section 4(4), KAR 59:015, Section 4(2) and 40 CFR 60.42(a)(2) of Subpart D.

Section 113(a)(1) of the Act provides that at any time after the expiration of 30 days following the date of the issuance of this NOV, the Administrator may, without regard to the period of violation, issue an order requiring compliance with the requirements of the state implementation plan or permit, and/or bring a civil action pursuant to Section 113(b) for injunctive relief and/or civil penalties of not than \$32,500 per day for each violation. Sections 113(a)(1) and 113(b) also provide that the Administrator may take the same actions to enforce violations of subchapter V of the Act, 42 U.S.C. § 7661 *et. seq.*

E.ON U.S. may, upon request, confer with EPA. The conference will enable E.ON U.S. to present evidence bearing on the finding of violation, on the nature of violation, and on any efforts it may have taken or proposes to take to achieve compliance. E.ON U.S. has the right to be represented by counsel. A request for a conference must be made within 10 days of receipt of this NOV, and the request for a conference or other inquiries concerning the NOV should be made in writing to:

Jennifer Lewis  
Associate Regional Counsel  
Office of Environmental Accountability  
U.S. EPA - Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303  
Phone Number: 404-562-9518

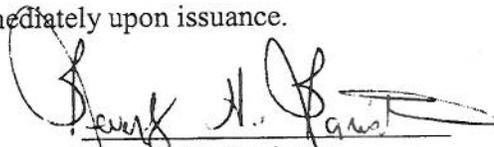
By offering the opportunity for a conference or participating in one, EPA does not waive or limit its right to any remedy available under the Act.

#### EFFECTIVE DATE

This NOV shall become effective immediately upon issuance.

SEP 26 2007

Date



Beverly H. Banister  
Director  
Air, Pesticides, and Toxics  
Management Division

cc: Jeff Cummings, KDENF  
John Lyons, KDAQ