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DP&L and Ohio EPA Reach Settlement Over Air Pollution Violations in Adams County

The Dayton Power and Light Company (DP&L) has worked with Ohio EPA to address violations of air pollution control requirements at its J.M. Stuart electric power generating station, located at 745 U.S. Rt. 52 in Aberdeen. The company has agreed to respond to emergency release plan violations within 60 days and pay a civil penalty of \$20,468.

Ohio EPA regulates air pollution to protect public health and the environment. The Agency also establishes emission limits and other conditions for permits to ensure that facilities are operating in compliance with state and federal air pollution control standards, laws and regulations.

Facilities with or above a certain quantity of a regulated substance are required to submit a risk management plan (RMP). The RMP contains detailed information on what DP&L will do should there be an accidental release of a toxic substance from the facility. J.M. Stuart facility stores 1.2 million pounds of anhydrous ammonia, a regulated substance, on site for use in its air pollution control equipment. DP&L has submitted RMPs to Ohio EPA.

During a RMP compliance inspection in Feb. 2011, Ohio EPA discovered eight violations of the RMP regulations. Ohio EPA issued the company a notice of violation in March 2011, and DP&L corrected one of the violations by determining and documenting an appropriate response to the findings of a 2007 internal compliance audit.

The remaining violations include failure to: provide required operator training every three years; fully implement employee participation and contractor programs; create and implement a mechanical integrity program; complete recommendations derived from the process hazard analysis; annually certify operating procedures; and implement a pre-startup review. Two of these violations were the same ones that had been noted during a 2004 RMP compliance inspection. At that time, no penalty was assessed and DP&L corrected the two violations.

In a [settlement](#) with Ohio EPA, DP&L agreed to correct the other violations and pay a portion of the penalty (\$4,094) to [Ohio EPA's Clean Diesel School Bus Program Fund](#). This fund helps retrofit older school buses with pollution control equipment to reduce particulate emissions from their diesel engines and thereby protect the children who ride the buses. The remaining \$16,374 will be deposited into the Risk Management Plan fund.