



State of Ohio Environmental Protection Agency

Northwest District Office

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Lee Fisher, Lieutenant Governor
Chris Korteski, Director

June 18, 2009

CERTIFIED MAIL

Mr. Michael Klenda, Plant Production Manager
Carmeuse Lime, Inc. – Millersville Operation
3964 County Road 41
Millersville, Ohio 43435

Subject: Notice of Violation (NOV) regarding the installation of a diesel-powered transloader and request for information by July 17, 2009.

Dear Mr. Klenda:

Carmeuse Lime, Inc. (Carmeuse) submitted a Permit to Install (PTI) application for the initial installation of a diesel-powered lime transloader with baghouse (PTI # P0104705) on March 27, 2009. The application indicated that the source began operation on December 1, 2008. The installation and operation of an air contaminant source without first obtaining a PTI application is a violation of OAC rule 3745-31-02.

Along with the calculations for the transloader, the company also provided calculations for roadways/parking area since an increase in truck traffic is anticipated with the operation of the transloader. Based on these calculations, the additional truck traffic will result in an increase of particulate emissions (PE) and particulate matter less than or equal to 10 microns (PM10). Therefore, the company is required to submit an application for the modification to the roadways/parking areas (emissions unit F001). Failure to obtain a permit prior to the modification of an emissions unit is a violation of OAC rule 3745-31-02 and the company's Title V permit, issued on May 8, 2003.

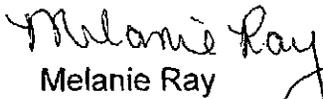
The company's argument that a modification is not necessary since the increase in emissions are less than de minimis levels is incorrect. A modification occurs if a physical change in, or change in method of operation results in an increase in allowable emissions. In this instance, the de minimis exemption would only be looked at for any air contaminant not previously emitted by the emissions unit.

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In order to resolve this violation, Carmeuse must submit a complete PTI application for the modification to F001, including calculations, an Emissions Activity Category (EAC) form, and a diagram indicating the location of all facility roadways and parking areas. This application should be submitted electronically through the eBusiness Center by July 17, 2009.

Please be advised that the submission of information to respond to this letter does not constitute a waiver of Ohio EPA's authority to seek civil penalties pursuant to ORC section 3704.06. The Ohio EPA will make the decision on whether to pursue or decline to pursue such penalties regarding this matter at a later date. If the company has any questions and/or comments concerning this letter, please contact me at (419) 373-4111 or email at melanie.ray@epa.state.oh.us.

Sincerely,


Melanie Ray
Division of Air Pollution Control

//lr

pc: Don Waltermeyer, DAPC-NWDO
Tom Kalman, DAPC, CO
Lisa Holscher, USEPA, Region 5, Air and Radiation Division
NWDO follow-up file
DAPC-NWDO Sandusky County Correspondence File
Certified Receipt Number 7007 2560 0000 4485 5744