



State of Ohio Environmental Protection Agency

Southeast District Office

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July 7, 2009

Certified Mail #7006 3450 0001 9055 8058

Robert A. Kimble
Penn-Ohio Coal Company
3596 St. Rt. 39 NW
Dover, OH 44622

Re: Tuscarawas County
Penn-Ohio Coal Co. – Portable East Sparta Crushing Facility
Facility ID # 0679950023
Warning Letter

Dear Mr. Kimble:

The purpose of this letter is to notify your company of violations of Ohio's air pollution regulations discovered for the Penn-Ohio Coal Co. – Portable East Sparta Crushing facility located on State Route 800 in East Sparta, Ohio. These violations were discovered during a recent review of the facility files and submitted deviation reports.

The permit-to-install (PTI) applicable to this facility is PTI #06-08132 issued on May 16, 2006. The installation certificates submitted for this portable facility indicate it was installed at the East Sparta location on May 14, 2007. Although the quarterly deviation reports required by the PTI are being submitted, there are two instances of noncompliance that must be addressed by the Penn-Ohio Coal Co. Specifically:

(1) **Permit-to-Operate Application**
Part I.A.13 of PTI #06-08132

This facility is permitted to operate each emissions unit described by this PTI for a period of up to one year from the date the emissions unit commenced operation. This permission to operate is granted only if the facility complies with all requirements contained in this permit and all applicable air pollution laws, regulations, and policies. Part I.A.13 of PTI #06-08132 requires that the permittee submit a complete operating permit application within ninety (90) days after commencing operation of the emissions unit(s) covered by this permit.

The Penn-Ohio Coal Co. has failed to submit an operating permit application for this facility to date. This application was due by August ~~8~~¹² 200~~8~~⁷ unless the equipment began operating later than the installation date reported by the company. Please submit a complete permit-to-install and operate (PTIO) application for all emissions units at this facility. The forms and instructions can be accessed online at <http://www.epa.state.oh.us/dapc/fops/eac/eacforms.html>.

(2) **Non-Title V Fees**
Part I.A.15 of PTI #06-08132

The permittee shall pay fees to the Director of Ohio EPA in accordance with ORC section 3745.11 and OAC Chapter 3745-78.

In April and December 2008, Non-Title V Air Emissions Reports were sent to Wes Gilmer with the Penn-Ohio Coal Co. for fees owed for 2007 for this facility. A copy of the December 2008 past due notice is enclosed. This report was never submitted to Ohio EPA, so the company has not been billed for the non-Title V fees owed for 2007. Please complete and submit the report to the Ohio EPA office identified on the past due notice.

In addition, please confirm the current primary and billing contact for this facility. Given that you are signing the quarterly deviation reports, I have updated your facility profile in Air Services to identify you as the current contact in these roles. However, if this is incorrect, please provide me contact information for the person at your company that is responsible for these functions.

Please provide the information requested above within thirty (30) days of your receipt of this letter. The Penn-Ohio Coal Co. must provide Ohio EPA information on the steps the company will take to ensure compliance with the applicable permit conditions and state and federal air pollution regulations as indicated above. Acceptance of this information by Ohio EPA does not constitute a waiver of Ohio EPA's authority to seek civil penalties as provided in section 3704.06 of the Ohio Revised Code. The determination to pursue or decline to pursue such penalties in this case will be made by Ohio EPA at a later date.

Should you have any questions, please feel free to contact me at (740) 380-5245 or via email at kim.reinbold@epa.state.oh.us.

Sincerely,



Kimbra L. Reinbold
Environmental Specialist II
Division of Air Pollution Control

KLR/mlm

Enclosure