



State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, Ohio 43138

TELE: (740) 385-8501 FAX: (740) 385-6490
www.epa.state.oh.us

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

September 4, 2007

Re: Muskingum County
Burnham Foundry
Facility ID # 0660010101
**Response to Compliance Plan/
Notice of Violation**

Certified: 70063450000190547373

Jeremiah Clegg
Burnham Foundry
2345 Licking Road
P.O. Box 3148
Zanesville, OH 43702

Dear Mr. Clegg:

I am writing in response to the letter you submitted to this office on behalf of Burnham Foundry on July 26, 2007. Your letter was submitted following the request in my June 21, 2007 Warning Letter for a compliance plan and schedule.

P905 Visible Emissions

Your letter details several repairs and replacements Burnham Foundry has made to the cupola system that you believe have corrected any potential visible emission problems. You and your staff should continue to closely monitor visible fugitive emissions from the cupola. Please keep in mind that Term and Condition Part II.A.III.5 of the Title V permit for emissions unit P905 requires that you perform daily visible emission checks and maintain a detailed operations log that summarizes the findings of the daily observations. Ohio EPA staff will also continue to verify compliance with the visible emission limitation during upcoming site visits.

F004 Visible Emissions

In my June 21, 2007 Warning Letter, I requested that Burnham Foundry conduct stack testing of emissions unit F004 by August 11, 2007 to verify compliance with the allowable limits for particulate mass emissions and visible emissions opacity. Your response letter requests that Ohio EPA not require stack testing of F004 for several reasons, including limited operating hours and high costs associated with testing. Unfortunately, there are no provisions in Ohio law that can exempt Burnham Foundry from the requirement to demonstrate compliance with applicable state and federal air regulations. Based on the opacity violation I documented on November 7, 2006, F004 is currently in non-compliance with the provisions of OAC rule 3745-17-07(A), and will continue to be in non-compliance until Burnham Foundry demonstrates that a return to compliance has been achieved. Based on my observations on November 7, I have reason to believe that F004 is also in violation of the particulate emission rate specified by OAC rule 3745-17-11(B). Ohio EPA has the authority to require you to complete emissions testing

when it is believed you are exceeding an allowable emissions rate and/or limit pursuant to OAC rule 3745-15-04(A). Burnham Foundry shall conduct emissions testing of F004 to determine compliance with permitted emission limits. Failure to complete the testing will result in an enforcement referral to our Central Office. The emission testing shall be conducted in accordance with the following requirements:

- a. The emission testing shall be conducted within 45 days of receipt of this letter.
- b. The emission testing shall be conducted to demonstrate compliance with the allowable particulate mass emission rate and the visible particulate emission limit.
- c. The following test methods shall be employed to demonstrate compliance with the allowable emission limits:
for particulates, Test methods 1-5, of 40 CFR Part 60, Appendix A
for visible particulates, Test method 9, of 40 CFR Part 60, Appendix A
Alternative U.S. EPA approved test methods may be used with prior approval from the Ohio EPA.
- d. The test(s) shall be conducted while the emissions unit is operating at or near its maximum capacity, unless otherwise specified or approved by the Southeast District Office.
- e. Not later than 30 days prior to the proposed test date(s), the permittee shall submit an "Intent to Test" notification to the Southeast District Office. The "Intent to Test" notification shall describe in detail the proposed test methods and procedures, the emissions unit operating parameters, the time(s) and date(s) of the test(s), and the person(s) who will be conducting the test(s). Failure to submit such notification for review and approval prior to the test(s) may result in the Southeast District Office's refusal to accept the results of the emission test(s).
- f. Personnel from the Southeast District Office shall be permitted to witness the test(s), examine the testing equipment, and acquire data and information necessary to ensure that the operation of the emissions unit and the testing procedures provide a valid characterization of the emissions from the emissions unit and/or the performance of the control equipment.
- g. A comprehensive written report on the results of the emissions test(s) shall be signed by the person or persons responsible for the tests and submitted to the Southeast District Office within 30 days following completion of the test(s). The permittee may request additional time for the submittal of the written report, where warranted, with prior approval from the Southeast District Office.

Complaint Investigation

Ohio EPA appreciates the time Burnham Foundry has spent to date to investigate the source and cause of the emissions related to the complaint investigation. I also understand from your letter that you have been in contact with the complainants and have offered to provide compensation to them in order to resolve their concerns. In addition to the work Burnham has done on this issue, Ohio EPA continues to investigate the source and cause of the fallout that has impacted the complainant's property. The analyses of the samples collected on September 22, 2006 and May 23, 2007 have identified the following six emissions units as possible sources of the particulate fallout: F013, F014, F015, F025, F026, and P014. In order to verify that these emissions units are currently in compliance with applicable allowable particulate emissions rates, Ohio EPA is requesting that Burnham Foundry conduct emissions testing of these units pursuant to OAC rule 3745-15-04(A). The emissions testing shall be conducted in accordance with the following requirements:

- a. The emissions testing shall be conducted within 90 days of receipt of this letter.
- b. The emissions testing shall be conducted to demonstrate compliance with the allowable particulate mass emission rate for each emissions unit.
- c. The following test methods shall be employed to demonstrate compliance with the allowable emission limits:
Test methods 1-5, of 40 CFR Part 60, Appendix A

Alternative U.S. EPA approved test methods may be used with prior approval from the Ohio EPA.
- d. The test(s) shall be conducted while the emissions units are operating at or near maximum capacity, unless otherwise specified or approved by the Southeast District Office.
- e. Not later than 30 days prior to the proposed test date(s), the permittee shall submit an "Intent to Test" notification to the Southeast District Office. The "Intent to Test" notification shall describe in detail the proposed test methods and procedures, the emissions unit operating parameters, the time(s) and date(s) of the test(s), and the person(s) who will be conducting the test(s). Failure to submit such notification for review and approval prior to the test(s) may result in the Southeast District Office's refusal to accept the results of the emission test(s).
- f. Personnel from the Southeast District Office shall be permitted to witness the test(s), examine the testing equipment, and acquire data and information necessary to ensure that the operation of the emissions unit and the testing procedures provide a valid characterization of the emissions from the emissions unit and/or the performance of the control equipment.

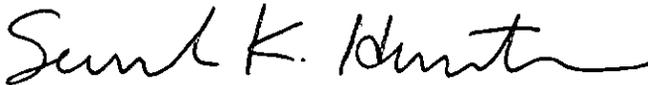
Jeremiah Clegg
Burnham Foundry
September 4, 2007
Page 4

- g. A comprehensive written report on the results of the emissions test(s) shall be signed by the person or persons responsible for the tests and submitted to the Southeast District Office within 30 days following completion of the test(s). The permittee may request additional time for the submittal of the written report, where warranted, with prior approval from the Southeast District Office.

Acceptance by the Ohio EPA of a schedule for compliance does not constitute a waiver of the 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 the Ohio EPA at a later date.

If you are unable to respond to any part of this request within the time frame discussed above, please inform us and explain so that we may be of assistance. Should you have any questions, feel free to contact me at (740) 380-5249 or email sarah.harter@epa.state.oh.us.

Sincerely,



Sarah K. Harter
Environmental Supervisor
Division of Air Pollution Control
Southeast District Office

SKH/mlm

cc: Bruce Weinberg, DAPC/SEDO
Tom Kalman, DAPC/CO
Lisa Holscher, USEPA

Jeremiah Clegg
Burnham Foundry
September 4, 2007
Page 5

bc: Lori May, 565 Rehl Rd., Zanesville, OH