



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

May 15, 2013

CERTIFIED MAIL

Mr. John Nisley
Millcreek Lumber
33844 CR 126
Millersburg, OH 44654

RE: Notice of Violation (NOV) for failure to conduct performance tests.
DAPC Facility ID 0238000216

Dear Mr. Nisley:

The purpose of this letter is to notify you that Millcreek Lumber is operating emissions units P003 and P005 in violation of permit terms and conditions, the Ohio Revised Code (ORC) 3704.05(C), and 40 CFR Part 60 Subpart IIII – Standards of Performance for Stationary Compression Ignition Internal Combustion Engines.

During an inspection performed on November 5, 2012, the following information was discovered:

- P003 and P005 were modified in the summer of 2012 to operate as dual fuel engines. The modification likely resulted in an emissions increase, making engines P003 and P005 subject to 40 CFR 60 Subpart IIII; and
- emissions testing for engines P003 and P005 was not completed within 60 days of modification (40 CFR 60.4211(e)).

Since the inspection, Permits-to-Install and Operate (PTIOs) P0112072 and P0111430, were issued delineating the testing requirements. Additionally, NEDO sent you a Certified Warning Letter (December 20, 2012) highlighting your failure to complete emissions testing within 60 days of modifying the engines. To date, NEDO has not received an Intent-to-Test or results of completed emissions testing.

Failure to conduct the required emissions testing for engines P003 and P005 is a violation of PTIOs P0112072, P0111430, the ORC and the Code of Federal Regulations (CFR) and may result in a referral to the Central Office of Ohio EPA, and the U.S. EPA for the appropriate enforcement action.

MR. JOHN NISLEY
MAY 15, 2013
PAGE 2

The submission of the requested data does not constitute a waiver of Ohio EPA's authority to seek civil penalties as provided in ORC 3704.06. Ohio EPA will decide whether to pursue or decline to pursue penalties regarding this matter at a later date.

Should you have any questions, please feel to call me at (330) 963-1222.

Sincerely,



Zorica Dejanovic
Environmental Specialist
Division of Air Pollution Control

ZD:bo

cc: Ed Fasko, Ohio EPA, NEDO, DAPC
Tim Fischer, Ohio EPA, NEDO, DAPC