



PORTSMOUTH LOCAL AIR AGENCY

USEPA AND OEPA REPRESENTATIVE FOR ADAMS, BROWN, SCIOTO AND LAWRENCE COUNTIES
605 Washington Street, Third Floor, Portsmouth, Ohio 45662 (740) 353-5156, ext 285 Fax (740) 353-3638

August 19, 2008

CERTIFIED MAIL

Mr. Wayne Pruitt
General Manager
Haverhill North Coke Company
2446 Gallia Pike
Franklin Furnace, OH 45629

Re: Notice of Violation

Dear Mr. Pruitt:

On the evening of Sunday July 6, 2008, while driving by Haverhill North Coke Company, I observed visible emissions from the coke screening area. I immediately contacted the control room to notify the plant of the problem. When I followed up with Haverhill North the following week, it had been determined that the Coke Screening baghouse had kicked off and was restarted Sunday evening by the Turn Supervisor. I informed Stan Wash, Plant Manager, that the incident should have been reported to our office as a malfunction.

On July 15, 2008, as I was arriving at the plant for a scheduled tour with several staff from the Ohio EPA Public Information Center and Division of Air Pollution Control Permitting Section, I once again observed visible emissions from the Coke Screening baghouse. This malfunction was also not reported to our office.

OAC rule 3745-15-06(B)(1), Malfunction Reporting, states "In the event that any emission source, air pollution control equipment, or related facility breaks down in such a manner as to cause the emission of air contaminants in violation of any applicable law, the person responsible for such equipment shall immediately notify the Ohio environmental protection agency district office or delegate agency of such failure or breakdown."

Haverhill's failure to report malfunctions is a violation of OAC rule 3745-15-06.

On July 14, 2008, I collected samples of both the coal and coke fines/breeze from Haverhill North. In response to a complaint investigation on Back Road, I collected samples of the black dust on the

complainant's property. Analysis of the complainant's sample via polarizing light microscope found the particulate size of all three samples to be similar and the dust sample collected from the complainant's property was found to compare more closely to the Haverhill North coke fines/breeze sample. The analysis is a direct indicator that the continued malfunctions of the Coke Screening baghouse are impacting the surrounding residents.

OAC rule 3745-15-06(D) states that, if in the judgment of the director, excessive or unduly prolonged malfunctions of any emission source, air pollution control equipment or related facility have occurred, the director may require the owner or operator of said source, equipment or related facility to prepare, submit and implement a preventive maintenance and malfunction abatement plan which is acceptable to the director. At this time, this agency is requesting that within fourteen days of receipt of this letter Haverhill North Coke Company submit a preventative maintenance and malfunction abatement plan. This plan shall be designed to prevent, detect and correct malfunctions or equipment failures which could result in emissions exceeding any applicable law. The plan shall also be in writing and address all of the elements contained in OAC rule 3745-15-06(D)(1) through (3).

Acceptance by the Ohio EPA of this information 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 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.

If you have any questions or need additional information, please contact me at (740) 353-5156.

Sincerely,



Cindy Charles
Director
Portsmouth Local Air Agency

cc: John Paulian, OEPA, DAPC
Lisa Holscher, USEPA