



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 Fax (740) 353-3638
Phillip H. Thompson - Director

January 26, 2007

CERTIFIED MAIL

Mr. Stanley Wash
Vice President and General Manager
Haverhill North Coke Company
2446 Gallia Pike
Franklin Furnace, OH 45629

Re: Notice of Violation

Dear Mr. Wash:

The Third Quarter 2006 Excess Emissions Report (EER) for emissions unit P901 has been reviewed by the Portsmouth Local Air Agency. EER summary results indicate that the data capture rate for the SO₂ continuous emissions monitoring system (CEMS) associated with this emissions unit is lower than expected, and that periods of time where excess emissions are being recorded are high.

Permit to Install (PTI) 07-00511 for emissions unit P901 requires Haverhill North to operate and maintain equipment to continuously monitor and record SO₂ emissions from P901 in accordance with the requirements of 40 CFR Part 60.13. Specifically, the monitor downtime for the SO₂ CEMS for P901 for the third quarter 2006 was 5.03% (94.97 % data capture), and 26.90 % of the remainder of the time during the quarter, the waste gas stack SO₂ emissions exceeded the permit limit of 192.0 lbs/hr as a 3 hr average.

The Portsmouth Local Air Agency considers the CEMS downtime and percentage of excess emissions excessive and in violation of the permit terms and conditions and Ohio Revised Code 3704.05. Although Haverhill North has reported FGD malfunctions in letters dated July 28, 2006, August 10, 2006 and September 28, 2006, CEMS downtime and excess emissions recorded during these malfunctions is not excused.

Within 14 days of receipt of this letter, please provide a written response to this letter in which a description of the standard operating procedure that is used when a FGD malfunction is detected is

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described, and which also includes a listing of all steps taken from the time a malfunction is detected until the time it is repaired. A description of actions taken to prevent a recurrence of downtime and excess emissions violations should also be included.

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 Cindy Charles at (740) 353-5156.

Sincerely,



Phillip H. Thompson, Director

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