



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

July 17, 2009

CERTIFIED MAIL

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

Re: Notice of Violation

Dear Mr. Essman:

The Fourth Quarter 2008 and First Quarter 2009 Excess Emissions Reports (EERs) for emissions units P901 & P902 have been reviewed by the Portsmouth Local Air Agency. EER summary results show that the data capture rate for the Sulfur Dioxide (SO₂) and Mercury (Hg) continuous emissions monitoring systems (CEMS) associated with these emissions units was not continuous during this time frame.

Permit to Install (PTI) 07-00511 for emissions unit P901 & P902 requires Haverhill North to operate and maintain equipment to continuously monitor and record SO₂ emissions from P901 and SO₂ and Hg emissions from P902 in accordance with the requirements of 40 CFR Part 60.13. Specifically, the monitor downtime for the SO₂ CEMS for P901 & P902 for the first quarter 2009 was 34.4% (65.6 % data capture) and 15.38% (84.62 % data capture), respectively. The monitor downtime for the Hg CEMS for P902 for the fourth quarter 2008 and first quarter 2009 was 18.35% (81.65% data capture) and 11.20% (88.8% data capture), respectively.

The Portsmouth Local Air Agency considers any CEMS downtime a violation of the permit terms and conditions and Ohio Revised Code 3704.05, and the amounts of downtime reported in this time period to be excessive.

Within 14 days of receipt of this letter, please provide a written response to this letter that provides an explanation for the cause of this excessive monitor downtime; a description of the standard operating procedure that are used when a problem with the CEMS is detected, including a listing of all steps taken from the time a problem is detected until the time it is repaired; and a description of what actions will be taken to prevent a recurrence of downtime violations should also be included.

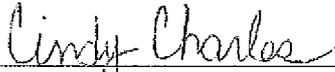
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Acceptance by the Ohio EPA of this information does not constitute a waiver of the Ohio EPA's authority to seek civil penalties as provided in section 3704.06 of the Ohio Revised Code. The determination to pursue or decline such penalties in this case 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
Gina Harrison, USEPA