



## 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

October 1, 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:

The Second Quarter 2008 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 SO<sub>2</sub> continuous emissions monitoring system (CEMS) associated with this emissions unit is lower than expected.

Permit to Install (PTI) 07-00511 for emissions unit P901 requires Haverhill North to operate and maintain equipment to continuously monitor and record SO<sub>2</sub> emissions from P901 in accordance with the requirements of 40 CFR Part 60.13. Specifically, the monitor downtime for the SO<sub>2</sub> CEMS for P901 for the second quarter 2008 was 6.91% (93.09 % data capture).

The Portsmouth Local Air Agency considers the CEMS downtime excessive and in violation of the permit terms and conditions and Ohio Revised Code 3704.05.

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 problem with the CEMS is detected, which also includes a listing of all steps taken from the time a problem is detected until the time it is repaired. A description of actions taken to prevent a recurrence of downtime violations should also be included. It appears that a major part of this problem is the time that is lapsed prior to detection that a problem with the CEMS exists.

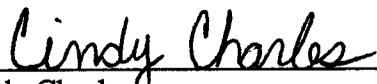
Acceptance by the Ohio EPA of this information does not constitute a waiver of the Ohio EPA's authority to seek civil penalties as provided in section 3704.06 of the Ohio Revised Code. The

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