



## 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

December 11, 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 Third Quarter 2009 Quarterly Deviation report for Haverhill North Coke Company (HNCC) has been reviewed by the Portsmouth Local Air Agency. HNCC reported deviations of PTI 07-00511 terms and conditions C.7.c)(9) and C.8.c)(2) for emissions units P901 and P902, respectively. HNCC also reported deviation of PTI 07-00511 term and condition C.8.b)(2)n for emissions unit P902.

Permit to Install (PTI) 07-00511 for emissions unit P901 & P902 requires that waste gas emissions not be vented to the HRSG bypass vent stacks for more than 192 hours per rolling 12-month period per vent stack. Specifically, P901 bypass vent stack #1 exceeded this limit by 19.2 hours and P902 bypass vent stack #6 by 58.7 hours.

PTI 07-00511 for emissions unit P902 requires the activated carbon injection system to be operated at all times when one or more associated ovens are operated in a manner that will maximize the removal efficiency for mercury. The activated carbon system was not in operation for approximately 78 hours and 43 minutes.

This office has found this failure to comply with the 192 hours per rolling 12-month period per vent stack limitation and the requirement to operate the activated carbon injection system at all times to be a violation of PTI 07-00511.

This agency is requesting within fourteen days of receipt of this letter, HNCC submit a compliance schedule which outlines the steps to be taken to bring the abovementioned source into compliance, and the dates by which each step will be completed. Also requested is a description of any interim measures The Haverhill North Coke Company has taken to return to compliance.

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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,



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Cindy Charles  
Director  
Portsmouth Local Air Agency

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