



## 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:

Our office is in receipt of the emission compliance test report for Haverhill North Coke Company's nonrecovery coke oven battery (C&D) (OEPA ID P902), located at 2446 Gallia Pike, Franklin Furnace, Ohio, conducted April 7<sup>th</sup> thru 17<sup>th</sup>, 2009. The purpose of the stack test was to determine compliance with the battery's allowable mass emissions rates for particulate matter (PM), Carbon Monoxide (CO), Sulfur Dioxide (SO<sub>2</sub>), Nitrogen Oxides (NO<sub>x</sub>), Volatile Organic Compounds (VOCs), Lead (Pb), Hydrochloric Acid (HCl), Mercury (Hg), and opacity at the waste gas, as well as compliance testing on the charging baghouse, and pushing multiclone exhaust stacks, as required in PTI 07-00511 issued on June 26, 2006.

PTI 07-00511 lists allowable NO<sub>x</sub> mass emission rates for this battery of 120.0 pounds per hour and 1 pound per ton of coal charged pursuant to 40 CFR Part 52.21 and Ohio Administrative Code (OAC) 3745-31-10 thru 20. The test results submitted show the average NO<sub>x</sub> emissions to be 1.30 pound per ton during the April 9, 2009 compliance test of the waste gas stack exhaust.

This office has found this failure to comply with the allowable mass emission rate for NO<sub>x</sub> pounds per tons of coal charged to be a violation of PTI 07-00511 and OAC rules 3745-31-05(A)(3).

This agency is requesting within fourteen days of receipt of this letter, that The Haverhill North Coke Company 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.

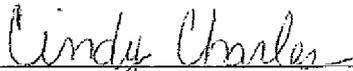
Acceptance by the Ohio EPA of this information does not constitute a waiver of the Ohio EPA's authority to seek civil penalties as provided in section 3704.06 of the Ohio Revised Code. The determination to pursue or decline such penalties in this case will be made by the Ohio EPA at a later date.

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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 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