



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

September 2, 2009

CERTIFIED MAIL

Mr. Louis E. Tosi
Shumaker, Loop & Kendrick, LLP
1000 Jackson Street
Toledo, Ohio 43604

Re: July 17, 2009 Notice of Violation Response letter dated August 5, 2009

Dear Mr. Tosi:

Our office has reviewed your letter dated August 5, 2009 in response to two Notice of Violation (NOV) letters issued to Haverhill North Coke Company (HNCC) by our office on July 17, 2009. Specifically, the HNCC Fourth Quarter 2008 and First Quarter 2009 Excess Emissions Reports (EERs) for emissions units P901 & P902 summary results show less than continuous data capture for the Sulfur Dioxide (SO₂) and Mercury (Hg) continuous emissions monitoring systems (CEMS) associated with these emissions units, and for the failure to comply with the allowable mass emission rate for NO_x pounds per tons of coal charged as demonstrated during the initial emissions unit P902 compliance test conducted April 9, 2009.

Per your August 5, 2009 letter, HNCC has carefully reviewed Ohio EPA's letters, its permit, and applicable Ohio EPA regulations and does not agree that the instances cited in the letters indicate violations. With regard to data capture, our office, in consultation with Ohio EPA, stands by our July 17, 2009 NOV letter and considers less than continuous data capture from the CEMS a violation of the permit terms and conditions, and Ohio Revised Code 3704.05, and in this case, the amount of data that is missing during this period is considered to be excessive. Per term and condition C.7.d)(7) and C.8.d)(7) of Permit to Install 07-00511 for emissions units P901 and P902 respectively, the permittee shall operate and maintain equipment to continuously (emphasis added) monitor and record SO₂ from the waste gas stack in units of the applicable standard(s). Such continuous monitoring and recording equipment must demonstrate the ability to comply with the requirements specified in 40 CFR Part 60.13 prior to being used for compliance purposes.

As for the compliance demonstration issues, the Portsmouth Local Air Agency acknowledges receipt of the P902 compliance test report for the testing conducted on July 9, 2009 for NO_x, CO, and VOC emissions from the P902 waste gas stack. Results of the test report demonstrate that emissions unit P902 is now in compliance with the allowable mass emission rate for NO_x, which had shown non-compliance during the initial April 9, 2009 compliance demonstration test. The test results submitted show the average NO_x emissions to have been reduced to 0.792

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pound per ton during the July 9, 2009 compliance test of the waste gas stack exhaust, which is within the 1 pound per ton emissions limitation.

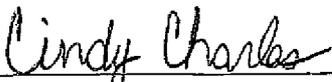
In your August 5, 2009 letter, you stated that since the April compliance tests, Haverhill has reviewed the conditions under which the April compliance tests were conducted, and has taken steps to reduce NOx emissions. In that regard, it was discovered that there were gaps at the uptake dampers on the P902 ovens that allowed excessive air leakage into the common tunnel, which may have caused combustion efficiency problems. In order to address this, HNCC modified the uptake dampers prior to the July compliance demonstration test. Additionally, HNCC has stated that it has modified its SOPs to maintain good combustion practices to account for uptake damper modifications on the P902 ovens. However, HNCC has not provided adequate information to assure that continued compliance with this limit will not be an on-going issue.

The Portsmouth Local Air Agency is requesting that HNCC provide information on specifically how the uptake dampers were modified, and detail changes which were made to the SOPs to assure that NOx mass emissions will remain below permit specified limits. Additionally, please identify the parameters that HNCC will monitor to ensure good combustion practices and to ensure there is not a reoccurrence of the uptake damper problem. The Portsmouth Local Air Agency is also interested in the date HNCC completed the modifications to the uptake dampers, and whether or not the modifications are considered permanent in nature.

Please provide the information requested above, and any further discussion regarding CEMS data capture, within fourteen days of receipt of this letter. If you are unable to respond to this request within this time frame, please inform us and explain the problem 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
John Essman, HNCC
Delauna Pack, Sun Coke