



**Environmental
Protection Agency**

John R. Kasich, **Governor**
Mary Taylor, **Lt. Governor**
Scott J. Nally, **Director**

Re: Seneca County
Carmeuse Lime, Inc.
Premise #0374000010
**Notice of Violation
(NOV/non-HPV)**

February 17, 2012

CERTIFIED MAIL

Mr. Stuart Roberts, Production Manager
Carmeuse Lime, Inc. - Maple Grove Operation
1967 West County Road 42
P. O. Box 708
Bettsville, Ohio 44815

Subject: Issuance of Notice of Violation (NOV) based on the facility's 4th Quarter
2011 Title V Compliance Report.

Dear Mr. Roberts:

Based on the information provided by Carmeuse Lime, Inc. – Maple Grove Operation in the 4th Quarter 2011 Compliance Report, received January 31, 2012, this NOV is being issued to the facility for the following violations:

1. On November 18-29, 2011, December 3-4, 2011, and December 25, 2011, the company failed to perform daily visible emission inspections for emissions units: F001, F002, F003, P001, P002, P003, P004, P901, P902, P903, P904, P905 and P906. This action is a violation of the facility's Title V permit and ORC section 3704.05.
2. The facility indicated in their quarterly report that on October 15, 2011, and November 9, 2011, visible emissions were present on the roadways (emissions unit F001); however, the company did not apply water to control the fugitive dust. The company further indicated that the water truck was down for the winter. Failure to apply best available control measures that are sufficient to minimize or eliminate visible emissions of fugitive dust from the facility roadways is a violation of OAC rule 3745-31-05(A)(3), OAC rule 3745-31-10 through 20 (Best Available Control Technology), the requirements of the permittee's Title V permit, and ORC section 3704.05.

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Although implementation of any control measure may be suspended if unsafe or hazardous driving conditions would be created by its use, this decision must be made on a day-to-day basis. There are no provisions in the company's permit that would allow for the facility to shut the water truck down for the winter. Furthermore, the months of October and November do not typically result in such harsh temperatures that would prevent the application of water. On October 15, 2011, and November 9, 2011, the National Climatic Data Center indicated minimum temperatures of 46.9°F and 46.0°F and maximum temperatures of 62.1°F and 64.0°F, respectively.

Please respond by email within 48-hours of receipt of this letter and provide the following information to Northwest District Office (NWDO):

- a. The date the water truck was winterized and not available for use.
- b. The date the water truck became/will become available for use.
- c. Any alternative dust suppressants that were employed during the timeframe that the water truck was not available.

The remaining deviations and malfunctions that were reported for 4th Quarter 2011 are still under review to determine if additional enforcement action is required.

Be advised that the submission of information to respond to this letter does not constitute a waiver of Ohio EPA's authority to seek civil penalties pursuant to ORC section 3704.06. The Ohio EPA will make the decision on whether to pursue or decline to pursue such penalties regarding this matter at a later date. Should you have any questions and/or comments regarding this letter, please contact me at (419) 373-3052 or by email at andrea.odendahl@epa.state.oh.us.

Sincerely,



Andrea M. Odendahl
Division of Air Pollution Control

/llr

pc: Tom Kalman, DAPC-CO
William MacDowell, US EPA – Region 5
DAPC-NWDO File
Certified Mail Receipt Number 7009 1410 0001 1834 0210

ec: Jennifer Jolliff, DAPC-NWDO