



State of Ohio Environmental Protection Agency

Northeast District Office

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Ted Strickland, Governor
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May 1, 2008

RE: **NOTICE OF VIOLATION (NOV)**
GREAT PLAINS EXPLORATION 220 BLACKBROOK ROAD
PAINESVILLE TOWNSHIP, OHIO;
CONCERNING: FAILURE TO APPLY FOR AND OBTAIN
PERMITS, VIOLATIONS OF REQUIRMENTS IN 40 CFR
PART 60, SUBPART 000 (NSPS)

CERTIFIED MAIL

Mr. Darryl Knight
Orwell Natural Gas
8500 Station Street, Suite 100
Mentor, Ohio 44060

Dear Mr. Knight:

I am writing to you to inform you of violations at Great Plains Exploration, on Blackbrook Road in Painesville Township, Ohio, discovered as a result of citizen complaints to Lake County Health Department.

Great Plains Exploration has been operating a stone crusher along with roadways and storage piles without the benefit of applying for and obtaining a permit-to-install (PTI) and a permit-to-operate (PTO). Because the crusher, model number 4043T, has a rated capacity of 100-300 tons per hour of stone processed, failure to apply for and obtain permits is in violation of Ohio Administrative Code (OAC) rule 3745-31-02 (PTI) and OAC rule 3745-35-02(A) (PTO), and Ohio Revised Code 3704.05. There have also been other concerns due to the fact that this area has in the past and continues to be a source of citizen complaints and that OAC rule 3745-15-07(A) prohibits any person from causing or permitting an air pollution nuisance.

According to Great Plains personnel, during April of 2007, Great Plains Exploration installed and began operating the stone crushing plant. Because the stone crushing operation processes crushed and broken stone, including concrete and asphalt both of which contain limestone, a non metallic mineral, this crusher is subject to New Source Performance Standards for non metallic mineral processing plants (40 CFR Part 60, Subpart 000). The violations of this regulation include, but are not limited to:

- 40 CFR Section 60.676(h) Notification of a date of anticipated initial startup;
- 40 CFR Section 60.676(l) Notification of a date of actual startup;
- 40 CFR Section 60.8(a) Visible emissions testing no later than 180 days after startup (using Method 9 of 40 CFR, Part 60, Appendix A);
- 40 CFR Section 60.8(d) Provide at least 30 days notice to Ohio EPA so that testing can be witnessed by the Agency; and
- 40 CFR Section 60.676(f) Submission of all reports of performance testing.

MR. DARRYL KNIGHT
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It can be noted that on April 17, 2008, members of Ohio EPA and the Lake County Health Department visited the site on Blackbrook Road and found the area to be well watered. Permit applications, which are also available on our website, were provided to Great Plains personnel.

This agency is hereby requesting submittal of PTI and PTO applications for the above mentioned emissions units as well as a compliance plan and time schedule for achieving and demonstrating compliance with 40 CFR, Part 60, Subpart OOO, to this agency **within twenty-one days of the receipt of this letter.**

Please note that nothing in this letter, including the submission of the requested information, constitutes a waiver of Ohio EPA's authority to seek civil penalties for this or any other violations as provided in ORC 3704.06 or for the U.S. EPA to seek civil penalties pursuant to federal law. Ohio EPA will decide whether to pursue or decline to pursue penalties regarding this matter at a later date.

Please contact me with questions at 330-963-1239. Thank you for your continuing cooperation.

Sincerely,

Nancy Meli

Nancy Meli
Environmental Specialist
Division of Air Pollution Control

NM:bo

ec: Ed Fasko, DAPC, NEDO
Dennis Bush, DAPC, NEDO
Bob Princic, DAPC, NEDO
Tom Kalman, DAPC, CO

pc: Bert Mechenbier, LCHD
Lisa Holscher, Region V, USEPA