



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

December 21, 2012

**CERTIFIED MAIL**

Mr. John Nisley  
Millcreek Lumber  
33844 CR 126  
Millersburg, OH 44654

**RE:** Warning letter for failure to submit permit applications.  
DAPC Facility ID 0238000216

Dear Mr. Nisley:

The purpose of this letter is to notify you that Millcreek Lumber is operating emissions units P001, P003 and P005 in violation of Ohio Administrative Code (OAC) Rules 3745-31-02(A)(1)(b), 3745-15-03(A), Ohio Revised Code (ORC) 3704.05(C), and 40 CFR Part 60 Subpart IIII – Standards of Performance for Stationary Compression Ignition Internal Combustion Engines.

During the inspection performed on November 5, 2012, and subsequent file review/ correspondence the following information was discovered:

- engine P002 had been replaced. A permit application was not submitted for the new engine (P005);
- all three emissions units were modified in Summer 2012 to operate as dual fuel engines. The modification likely resulted in an emissions increase, making engines P003 and P005 subject to 40 CFR 60 Subpart IIII;
- emissions testing for engines P003 and P005 was not completed within 60 days of modification (40 CFR 60.4211(e)); and
- Millcreek failed to submit annual recordkeeping, in accordance with PTI 02-22561, for P002 and P003.

MR. JOHN NISLEY  
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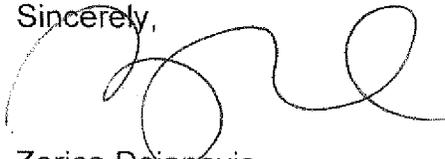
Since the inspection, the permit applications received by the Northeast District Office (NEDO) have been processed and submitted to Central Office for issuance. Furthermore, NEDO has been informed that Millcreek Lumber is planning to replace some or all of the existing engines with natural gas engines. Permit applications are in process and will be submitted prior to engine replacement. Please be advised that until the existing engines are replaced, Millcreek Lumber is subject to the requirements of PTI 02-22561, and once issued, PTIOs P0111430, P0112061, and P0112072 to include all applicable requirements of 40 CFR Part 60, Subpart IIII.

Future failure(s) to submit permit applications prior to modification/installation and/or failure(s) to submit required records can result in a referral to the Central Office of Ohio EPA, and the U.S. EPA for the appropriate enforcement action.

The submission of the requested data does not constitute a waiver of Ohio EPA's authority to seek civil penalties as provided in ORC 3704.06. Ohio EPA will decide whether to pursue or decline to pursue penalties regarding this matter at a later date.

Should you have any questions, please feel to call me at (330) 963-1222.

Sincerely,



Zorica Dejanovic  
Environmental Specialist  
Division of Air Pollution Control

ZD:bo

enclosure

ec: Ed Fasko, Ohio EPA, NEDO, DAPC  
Tim Fischer, Ohio EPA, NEDO, DAPC