



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAR 31 2008

REPLY TO THE ATTENTION OF:

AE-17J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Kevin D. Hahn
Vice President of Administration
National Lime and Stone Company
551 Lake Cascades Parkway
Findlay, Ohio 45839

Dear Mr. Hahn:

This is to advise you that U.S. Environmental Protection Agency has determined that the National Lime and Stone Company's facility at North Patterson Street, Carey, Ohio (National) is in violation of the Clean Air Act (CAA) and associated state air pollution control requirements. A list of the requirements violated is provided below. We are today issuing to you a Notice of Violation and Finding of Violation (NOV/FOV) for these violations.

The CAA requires the development of Primary and Secondary National Ambient Air Quality Standards to protect public health and welfare. To attain and maintain these standards, each State is required to develop an implementation plan. Ohio's State Implementation Plan (Ohio SIP) includes the following requirements:

1) Organic compounds (OC) emissions from Pelletized Limestone Dryer (P023) stack must not exceed 5.32 pounds per hour or 23.30 tons per year. These limits are incorporated into the National's Permit to Install Number 03-07409 and Title V Permit Number 03-88-00-0004. The purpose of the organic compounds emissions limit is to help protect the public from unhealthy exposures to volatile organic compounds, reduce ground level ozone and help protect the public from exposures which could cause temporary decreases in lung capacity, cause inflammation of lung tissue, and impair the body's immune system defenses.

2) Carbon monoxide (CO) emissions from the Pelletized Limestone Dryer (P023) stack must not exceed 1.34 pound per hour or 5.87 tons per year. These limits are incorporated into National's Permit to Install Number 03-07409 and Title V Permit Number 03-88-00-0004. The purpose of this limit is to reduce ground level ozone and protect the public from exposures which could aggravate cardiovascular disease.

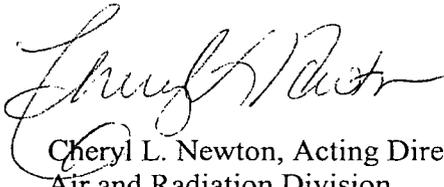
EPA finds that National has violated the above listed Ohio SIP requirements as incorporated into National's Title V Permit and Permit to Install Number 03-07409. Since National violated its Title V permit conditions, you have also violated Title V of the CAA and its associated regulations which require compliance with the terms and conditions of Title V permits. Additionally, in violating the Ohio SIP requirements and Permit to Install Number 03-07409, you have violated Title I of the CAA and its implementing regulations, which require compliance with the terms and conditions of the Ohio SIP and permits to install.

Section 113 of the CAA gives us several enforcement options to resolve these violations, including: issuing an administrative compliance order, issuing an administrative penalty order, bringing a judicial civil action, and bringing a judicial criminal action.

We are offering you the opportunity to request a conference with us about the violations alleged in the NOV/FOV. A conference should be requested within 10 days following receipt of this notice. A conference should be held within 30 days following receipt of this notice. This conference will provide you a chance to present information on the identified violations, any efforts you have taken to comply, and the steps you will take to prevent future violations. Please plan for your facility's technical and management personnel to take part in these discussions. You may have an attorney represent and accompany you at this conference.

The EPA contact in this matter is Manoj P. Patel. You may call him at (312) 353-3565 if you wish to request a conference. EPA hopes that this NOV/FOV will encourage National's compliance with the requirements of the Clean Air Act.

Sincerely yours,



Cheryl L. Newton, Acting Director
Air and Radiation Division

Enclosure

cc: Robert Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency

Don Waltermeyer, APC
Northwest District Office
347 North Dunbridge Rd.
Bowling Green, Ohio 43402

been previously demonstrated to the director of the OEPA to operate satisfactorily in Ohio or other states with similar air quality on substantially similar air pollution sources.

4. OAC 3745-31-01 defines "Organic compounds" as any chemical compound containing carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, metallic carbonates, ammonium carbonate, non landfill gas methane and ethane.

Requirements for Title V Operating Permits

5. Section 502(a) of the CAA, 42 U.S.C. § 7661a(a), and 40 C.F.R. § 70.7(b) provide that, after the effective date of any permit program approved or promulgated under Title V of the CAA, no source subject to Title V may operate except in compliance with a Title V permit.
6. 40 C.F.R. § 70.1(b) provides that all sources subject to the Part 70 regulations shall have a permit to operate that assures compliance by the source with all applicable requirements.
7. Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3), authorizes the Administrator to initiate an enforcement action whenever, among other things, the Administrator finds that any person has violated or is in violation of a requirement or prohibition of Title V of the CAA, or any rule promulgated, issued or approved under Title V of the CAA.
8. EPA fully approved the Ohio Title V program, effective October 1, 1995. 60 Fed. Reg. 42045 (August 15, 1995). Ohio's Title V permit requirements are codified at OAC 3745-77.
9. The permits and permit conditions relevant to this NOV/FOV are as follows:
 - a. OEPA issued an initial PTI Number 03-07409 on April 13, 1995. OEPA issued a modified PTI Number 03-07409 on June 20 and July 11, 2002, respectively. On December 24, 2002, OEPA issued the Title V Permit 03-88-00-0004 (Title V Permit) to the facility and carried PTI 03-07409 permit conditions into the Title V permit. Part III.A.1.1. of the Title V Permit prohibits Pelletized Limestone Dryer P023 from emitting 5.32 pounds of organic compounds (OC) per hour or 23.30 tons of OC per year.
 - b. OEPA issued an initial PTI Number 03-07409 on April 13, 1995. OEPA issued a modified PTI Number 03-07409 on June 20 and July 11, 2002, respectively. On December 24, 2002, OEPA issued the Title V Permit 03-88-00-0004 (Title V Permit) to the facility and carried PTI 03-07409 permit conditions into the Title V permit. Part III.A.1.1. of the Title V Permit prohibits Pelletized Limestone Dryer P023 from emitting more than 1.34 pound of carbon monoxide (CO) per hour or 5.87 tons of CO per year.

10. On July 17, 2007, EPA issued a Request for Information to National under Section 114 of the Clean Air Act, 42 U.S.C. §7414. On July 27, 2007, National responded to the Request for Information.
11. Based on an evaluation of the 2003 and 2007 stack test reports submitted to EPA, EPA has determined that the Pelletized Limestone Dryer (P023) emissions exceeded the emission limits identified in Paragraph 9, above, as follows:

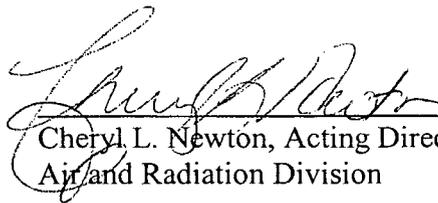
Year	Emission Unit ID	Pollutant	EMISSIONS TEST RESULTS
11/18/2003	P023	OC	5.88 lbs./hour
1/9/2007	P023	CO	3.65 lbs/hour

12. National's excess OC and CO emissions from the Pelletized Limestone Dryer P023 are violations of the OC and CO limits in Part III.A.1.1 of its Permit to Install 03-07409 and Title V Permit 03-88-00-0004 and applicable Ohio SIP requirements specified in the Title V Permit.

Environmental Impact of Violations

13. Violation of OC standards increases the amount of ground level ozone, which could cause temporary decrease in lung capacity, inflammation of lung tissue, and impair the body's immune system defenses.
14. Violation of CO standards increases public exposure to CO, which can enter the bloodstream, reducing oxygen delivery and aggravating cardiovascular disease.

3/31/08
Date


Cheryl L. Newton, Acting Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Shanee Rucker, certify that I sent a Notice and Finding of Violation, No. EPA-5-08-OH-09, by Certified Mail, Return Receipt Requested, to:

Kevin D. Hahn
Vice President of Administration
National Lime and Stone Company
551 Lake Cascades Parkway
Findlay, Ohio 45839

I also certify that I sent copies of the Notice of Violation and Finding of Violation by first class mail to:

Robert Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency

Don Waltermeyer, APC
Northwest District Office
347 North Dunbridge Rd.
Bowling Green, Ohio 43402

on the 1st day of April, 2008.

Shanee Rucker

Shanee Rucker, APA
AECAS MI/WI

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0006 01859297