



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

MAR 27 2009

REPLY TO THE ATTENTION OF:
AE-17J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Patrick W. Frazier, Vice President
Power Supply Services
American Municipal Power-Ohio, Inc.
2600 Airport Drive
Columbus, Ohio 43219

Tony Larusso
Vice President
Elkem Metals, Inc.
400 Rouser Road
Coraopolis, Pennsylvania 15108-2842

RE: Notice and Finding of Violation issued to American Municipal Power-Ohio, Inc.

Dear Mr. Frazier and Mr. Larusso:

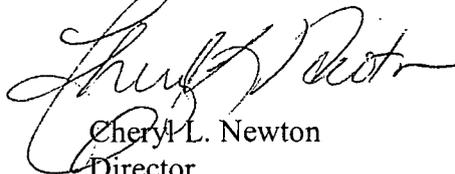
The U. S. Environmental Protection Agency is issuing the enclosed Notice of Violation and Finding of Violation (NOV/FOV) to American Municipal Power-Ohio, Inc. (AMP-Ohio). This NOV/FOV is issued in accordance with Section 113(a) of the Clean Air Act (the Act), 42 U.S.C. § 7413(a).

EPA has determined that AMP-Ohio is violating the Prevention of Significant Deterioration requirements under Section 165 of the Act, 42 U.S.C. § 7475, Non-attainment New Source Review, Sections 171 – 193 of the Act, 42 U.S.C. §§ 7501-7515, New Source Performance Standards, Section 111 of the Act, 42 U.S.C. § 7411, and the Operating Permit requirements under Title V of the Act, 42 U.S.C. §§ 7661 – 7661e at its Richard H. Gorsuch Generating Station located near Marietta, Ohio.

EPA is offering you an opportunity to confer with us about the violations cited in the NOV/FOV. The conference will give you an opportunity to present information on the specific findings of violations, and the steps you will take to bring the facilities into compliance. Please plan for your technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Ethan Chatfield. You may call him at (312) 886-5112, to request a conference. You should make your request for a conference no later than 10 calendar days after you receive this letter, and we should hold any conference within 30 calendar days of your receipt of this letter.

Sincerely yours,



Cheryl L. Newton
Director

Air and Radiation Division

Enclosure

cc: Stephen C. Fitch
Chester, Willcox & Saxbe, LLP

Dean Ponchak
Division of Air Pollution Control
Southeast District Office
Ohio EPA

Janica A. Pierce
Associate Attorney
Chester, Wilcox & Saxbe

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)	
)	
American Municipal Power-Ohio)	
Marietta, Ohio)	
)	
and)	Proceedings Pursuant to
)	Section 113(a)(1) and (a)(3) of the
)	Clean Air Act,
Elkem Metals, Inc.,)	42 U.S.C. §7413(a)(1) and (a)(3)
Coraopolis, Pennsylvania)	
)	EPA-5-09-OH-11
)	
)	
)	

NOTICE AND FINDING OF VIOLATION

The U.S. Environmental Protection Agency (EPA) is issuing this Notice and Finding of Violation (Notice) under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1). The authority to issue this Notice has been delegated to the Regional Administrator of the U.S. Environmental Protection Agency Region 5, and redelegated to the Director, Air and Radiation Division. EPA finds that Elkem Metals, Incorporated and American Municipal Power-Ohio, Incorporated, (AMP-Ohio), are violating the Clean Air Act (Act), 42 U.S.C. §§ 7401 *et seq.*, at its Richard H. Gorsuch Generating Station, located near Marietta, Ohio, as follow:

STATUTORY AND REGULATORY BACKGROUND

Prevention of Significant Deterioration

1. When the Act was passed in 1970, Congress exempted existing facilities, including the coal-fired power plants that are the subject of this Notice, from many of its requirements. However, Congress also made it quite clear that this exemption would not last forever. As the United States Court of Appeals for the D.C. Circuit explained in *Alabama Power v. Costle*, 636 F.2d 323, 400 (D.C. Cir. 1979), “[t]he statutory scheme intends to ‘grandfather’ existing industries; but...this is not to constitute a perpetual immunity from all standards under the PSD program.” Rather, the Act requires grandfathered facilities to install modern pollution control devices whenever the unit is proposed to be modified in such a way that its emissions may increase.

2. On June 19, 1978, EPA promulgated regulations pursuant to Part C of Title I of the Act. 43 *Fed. Reg.* 26403 (June 19, 1978).

in areas designated as either attainment or unclassifiable for purposes of meeting the NAAQS. *See* 42 U.S.C. §§ 7470-7492. These statutory provisions and their implementing regulations at 40 C.F.R. § 52.21¹, collectively known as the PSD program, provide that if a major stationary source located in an attainment area is planning to make a major modification, then that source must obtain a PSD permit before beginning actual construction. *See* 40 C.F.R. § 52.21(i). To obtain this permit, the source must, among other things, undergo a technology review and apply Best Available Control Technology (BACT); perform a source impact analysis; perform an air quality analysis and modeling; submit appropriate information; and conduct additional impact analyses as required.

4. August 7, 1980, EPA incorporated by reference the provisions of 40 C.F.R. § 52.21(b) through (w) into the Ohio SIP, 45 *Fed. Reg.* 52741, and codified at 40 C.F.R. § 52.1884. On January 29, 1981, EPA delegated to the Ohio Environmental Protection Agency (OEPA) the authority to review and process PSD permit applications, and to implement the federal PSD program. 46 *Fed. Reg.* 9580. On June 29 and October 10, 2001, EPA conditionally approved Ohio's PSD SIP provisions, 66 *Fed. Reg.* 34596 and 66 *Fed. Reg.* 51570, respectively, and on January 22, 2003, EPA fully approved Ohio's PSD SIP provisions, 68 *Fed. Reg.* 2909 (effective on February 21, 2003).² The Ohio PSD provisions are codified at Ohio Administrative Code 3745-31-11 to 3745-31-20.

5. 40 C.F.R § 52.21(i)(1) provides that “no stationary source or modification to which the requirements of paragraphs (j) through (r) of this section apply shall begin actual construction without a permit that states that the stationary source or modification would meet those requirements.”

6. 40 C.F.R § 52.21(i)(2) provides that “the requirements of paragraphs (j) through (r) of this section apply to any major stationary source and any major modification with respect to each pollutant subject to regulation under the Act”

7. 40 C.F.R § 52.21(b)(1)(i)(a) defines a “major stationary source” as, among other things, “a fossil fuel-fired steam electric plant of more than 250 million British Thermal Units per hour (mmBTU/hr) heat input” that “emits, or has the potential to emit, 100 tons per year (TPY) or more of any pollutant subject to regulation under the Act.”

8. 40 C.F.R § 52.21(b)(2)(i) defines a “major modification” as “any physical change in or change in the method of operation of a major source that would result in a significant net emissions increase” of a regulated pollutant.

Non-attainment New Source Review

9. Part D of Title I of the Act, 42 U.S.C. §§ 7501-7515, sets forth provisions for New Source Review (“NSR”) requirements for areas designated as being in Non-attainment with the NAAQS standards. These provisions are referred to herein as the “Non-attainment NSR” program. The Non-attainment NSR program is intended to reduce emissions of air pollutants in

¹ On December 31, 2002, EPA amended 40 C.F.R. § 52.21, commonly known as New Source Review (NSR) Reform. 67 *Fed. Reg.* 80185.

² EPA's January 22, 2003, approval of the PSD provisions of the Ohio SIP does not address EPA's NSR Reform.

NAAQS standards. These provisions are referred to herein as the “Non-attainment NSR” program. The Non-attainment NSR program is intended to reduce emissions of air pollutants in areas that have not attained NAAQS so that the areas make progress towards meeting the NAAQS. Prior to the effective date of the 1990 Clean Air Act Amendments, P. Law 101-549, effective November 15, 1990, the Non-attainment NSR provisions were set forth at 42 U.S.C. §§ 7501-7508.

10. Under Section 172(c)(5) of the Non-attainment NSR provisions of the Act, 42 U.S.C. § 7502(c)(5), each state is required to adopt Non-attainment NSR SIP rules that include provisions to require permits that conform to the requirements of Section 173 of the Act, 42 U.S.C. § 7503, for the construction and operation of modified major stationary sources within non-attainment areas. Section 173 of the Act, in turn, sets forth a series of minimum requirements for the issuance of permits for major modifications to major stationary sources within non-attainment areas. 42 U.S.C. § 7503.

11. Section 173(a) of the Act, 42 U.S.C. 7503(a), provides that construction and operating permits may be issued if, *inter alia*: “(a) sufficient offsetting emission reductions have been obtained to reduce existing emissions to the point where reasonable further progress towards meeting the national ambient air quality standards is maintained; and (b) the pollution controls to be employed will reduce emissions to the “lowest achievable emission rate.”

12. In October of 1980, EPA conditionally approved Ohio's Non-attainment NSR SIP rules. 45 *Fed. Reg.* 72119, 72122 (Oct. 31, 1980), which were codified in the Ohio Administrative Code (“OAC”) at Chapters 3745-31-01 through 3745-31-08. On September 8, 1993, EPA again approved revisions to Ohio’s Non-attainment NSR SIP rules. 58 *Fed. Reg.* 47211; see 40 C.F.R. §§ 52.1870(c)(83). These Non-attainment NSR SIP rules were promulgated pursuant to the Non-attainment NSR requirements of Part D of Title I of the Act, 42 U.S.C. §§ 7501-7508, and, following the 1990 Amendments to the Act, pursuant to 42 U.S.C. §§ 7501-7515. The SIP rules, as amended, are codified in the Ohio Administrative Code (OAC) at Chapter 3745-31-01 through 3745-31-08. See 40 C.F.R. §§ 52.1870(c)(83).

13. Under Ohio’s approved Non-attainment NSR SIP rules, no person may undertake a major modification of an existing major stationary source in a non-attainment area without first obtaining a Non-attainment NSR “Permit to Install” from the Ohio Environmental Protection Agency (OEPA). OAC 3745-31-02(A).

14. In order to obtain a Non-attainment NSR permit, the Ohio SIP requires that the owner or operator of a source undertaking a major modification must, *inter alia*: (a) comply with the lowest achievable emission rate as defined in Section 171(3) of the Act, 42 U.S.C. § 7501(3); (b) obtain Federally enforceable emission offsets at least as great as the new or modified source's emissions; (c) certify that all other major sources that it owns or operates within the Ohio are in compliance with the Act; and (d) demonstrate that the benefits of the proposed source or modification significantly outweigh the environmental and social costs imposed as a result of its construction or modification. OAC Chapter 3745-31-01 through 3745-31-08.

15. "Major modification" is defined by the Ohio Non-attainment NSR SIP as any physical change in or change in the method of operation of a major stationary source that would result in a significant net emission increase of any pollutant subject to regulation under the Act. OAC Chapter 3745-31-01 through 3745-31-08.

16. Under Ohio's approved Non-attainment NSR SIP rules, a "major stationary source" of NO_x is one that emits or has the potential to emit 100 tons per year or more, and a "significant" net emissions increase of NO_x is one that results in increased emissions of 40 tons per year or more of this pollutant. OAC 3745-31-01 through 3745-31-08. "Net emissions increase" means "the amount by which the sum of the following exceeds zero: (a) [a]ny increase in actual emissions [as defined by the Ohio Non-attainment NSR SIP rules, OAC Chapter 3745-31] from a particular physical change or change in method of operation at a stationary source; and (b) [a]ny other increases and decreases in actual emissions [as defined by the Ohio Non-attainment NSR SIP rules, OAC Chapter 3745-31] at the source that are contemporaneous with the particular change and are otherwise creditable." See OAC 3745-31-05 (incorporating 40 C.F.R. Part 51, App. S).

New Source Performance Standards

17. Under Section 111 of the Act, 42 U.S.C. § 7411, the Administrator promulgated the New Source Performance Standards (NSPS) General Provisions, at 40 C.F.R. Part 60, Subpart A, and the "Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978," codified at 40 C.F.R. Part 60, Subpart Da. Subpart Da applies to each electric utility steam generating unit capable of combusting more than 73 megawatts (250 million Btu per hour) heat input of fossil fuel (alone or in combination with any other fuel). 40 C.F.R. § 60.40a(a)(1).

18. 40 C.F.R. § 60.14(a) provides that "...any physical or operational change to an existing facility which results in an increase in the emission rate to the atmosphere of any pollutant to which a standard applies shall be considered a modification within the meaning of section 111 of the Act. Upon modification, an existing facility shall become an affected facility for each pollutant to which a standard applies and for which there is an increase in the emission rate to the atmosphere."

Title V Requirements

19. Section 502(a) of the CAA, 42 U.S.C. § 7661a(a), provides that no source may operate without a Title V permit after the effective date of any permit program approved or promulgated under Title V of the Act. EPA first promulgated regulations governing state operating permit programs on July 21, 1992. See 57 Fed. Reg. 32295; 40 C.F.R. Part 70. EPA promulgated regulations governing the Federal operating permit program on July 1, 1996. See 61 Fed. Reg. 34228; 40 C.F.R. Part 71.

20. Section 503 of the CAA; 42 U.S.C. § 7661b, sets forth the requirement to timely submit an application for a permit, including information required to be submitted with the application.

21. Section 504(a) of the CAA, 42 U.S.C. § 7661c(a), requires that each Title V permit

include enforceable emission limitations and standards, a schedule of compliance, and other conditions necessary to assure compliance with applicable requirements, including those contained in a state implementation plan. 42 U.S.C. § 7661c(a).

22. 40 C.F.R. § 70.1(b) provides that: “All sources subject to these regulations shall have a permit to operate that assures compliance by the source with all applicable requirements.” *See also* Ohio Administrative Code (OAC) 3745-77-07(A).

23. 40 C.F.R. § 70.2 defines “applicable requirement” to include “(1) Any standard or other requirement provided for in the applicable implementation plan approved or promulgated by EPA through rulemaking under title I of the Act that implements the relevant requirements of the Act, including revisions to that plan promulgated in part 52 of this chapter . . .”

24. 40 C.F.R. § 70.7(b) provides that no source subject to 40 C.F.R. Part 70 requirements may operate without a permit as specified in the Act. *See also* OAC 3745-77-02(A).

25. 40 C.F.R. § 70.5(a) and (c) require timely and complete permit applications for Title V permits with required information that must be submitted and 40 C.F.R. § 70.6 specifies required permit content. *See also* OAC 3745-77-02(A).

26. 40 C.F.R. § 70.5(b) provides that: “Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. In addition, an applicant shall provide additional information as necessary to address any requirements that become applicable to the source after the date it filed a complete application but prior to release of a draft permit.” *See also* OAC 3745-77-03(F).

Ohio’s Title V Requirements

27. U.S. EPA promulgated full approval of the Ohio’s Title V program on August 15, 1995. *See* 40 C.F.R. Part 70, Appendix A; 60 *Fed. Reg.* 42045. Ohio’s Title V program became effective on October 1, 1995. *See* 60 *Fed. Reg.* 42045.

28. The Ohio regulations governing the Title V permitting program are codified at OAC 3745-77, and are federally enforceable pursuant to Section 113(a)(3).

29. OAC 3745-77-07(A) provides that the Title V permit “shall include emission limitations and standards, including those operational requirements and limitations that assure compliance with all applicable requirements at time of issuance.”

30. OAC 3745-77-02(A) provides that “the owner or operator of the Title V source shall not operate such source after the date that a timely and complete Title V permit application is required to be submitted, except in compliance with a Title V permit.”

31. OAC 3745-77-03(F) provides that “[a]ny applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. In addition, an applicant shall provide additional information as necessary to address any requirements that become applicable to the source after the date it filed a complete application but prior to release of a draft permit.”

FACTUAL BACKGROUND

32. AMP-Ohio is incorporated in Ohio.

33. AMP-Ohio is a “person” as that term is defined in Section 302(e) of the Act, 42 U.S.C. § 7602(e).

34. During all times relevant to this Notice, the Gorsuch Generating Station was located in an area classified as attainment for sulfur dioxide (SO₂) and nitrogen oxide (NO_x).

35. From 1981 to 1986, the Gorsuch Generating Station was located in an area classified as non-attainment for PM (as total suspended particulates (TSP)).

36. The Gorsuch Generating Station is a fossil fuel-fired electric utility steam generating station located near Marietta, Ohio, in Washington County and has the potential to emit more than 100 tons per year each of NO_x, SO₂, and particulate matter (PM). The Station consists of four identical coal-fired boilers manufactured by Babcock & Wilcox Company originally constructed in the early 1950’s for the Electro Metallurgical Company, a division of the Union Carbide Corporation. In 1981, Union Carbide sold the Gorsuch Station (then Marietta Steam Plant) to Elkem Metals. Elkem Metals used the plant to provide electrical power and process steam to the Elkem facility as well as several other industrial users. Elkem Metals owned and operated the plant until March 15, 1988 when AMP-Ohio purchased a 69.24% ownership in, and began operation of, the facility. On September 1, 1999, AMP-Ohio acquired Elkem’s remaining interest in the plant. The Station has a current electrical generating capacity of 194 megawatts net (MW_{net}).

37. The Gorsuch Station is a “fossil fuel-fired steam electric plant of more than 250 million British thermal units per hour.” Therefore, the Gorsuch Station constitutes a “major stationary source” within the meaning of 40 C.F.R. § 52.21(b)(1)(i)(a); and a “major emitting facility” within the meaning of Section 169(1) of the Act, 42 U.S.C. § 7479(1).

38. Between 1981 and 1991, various physical changes and/or changes in the method of operation resulting in significant emission increases of NO_x, SO₂, and/or PM were made at the Gorsuch Station. These projects include a boiler repair and replacement program that was performed from 1981 through 1986 and a station improvement and uprate program that was performed from 1988 through 1991. See Appendix A for additional details on the projects.

VIOLATIONS

Prevention of Significant Deterioration and Non-Attainment New Source Review

39. The boiler repair and replacement program referenced in paragraph 38, above, caused a significant net emissions increase, as defined at 40 C.F.R. §§ 52.21(b)(3)(i) and (b)(23)(i) and OAC 3745-31-01(Y,Y) and (S,S,S), of SO₂, NO_x, and PM.

40. The station improvement and uprate program referenced in paragraph 38, above, caused a significant net emissions increase, as defined at 40 C.F.R. §§ 52.21(b)(3)(i) and (b)(23)(i), of SO₂, NO_x, and PM.

41. The projects referenced in paragraph 38, above, each constituted a "major modification," as that term is defined at 40 C.F.R. § 52.21(b)(2)(i) and OAC 3745-31-01(R,R).

42. For each the modifications referenced in paragraph 38, above, Elkem Metals and AMP-Ohio, respectively, failed to obtain a PSD permit or Permit to Install as required by 40 C.F.R. § 52.21(i)(1) or OAC 3745-01 through 3745-08.

43. Elkem Metals and AMP-Ohio violated and continues to violate Section 165(a) of the Act, 42 U.S.C. § 7475(a) and 40 C.F.R. § 52.21(i)(1) by constructing major modifications to existing major sources at the above-listed facilities without applying for or obtaining the PSD permits and operating the modified facilities without installing the BACT or going through PSD review, and installing appropriate emission control equipment in accordance with a BACT analysis.

44. Elkem Metals and AMP-Ohio violated and continues to violate Sections 7501-7515 of the Act and OAC Chapter 3745-31-01 through 3745-31-08 by constructing a major modification to existing major sources at the above-listed facility without applying for a Permit to Install and operating the modified facilities without installing LAER, obtaining Federally enforceable emission offsets at least as great as the new or modified source's emissions, certifying that all other major sources that it owns or operates within the Ohio are in compliance with the Act, and demonstrating that the benefits of the proposed source or modification significantly outweigh the environmental and social costs imposed as a result of its construction or modification.

Violations of the Standards of Performance for Electric Utility Steam Generating Units

45. Elkem Metals and AMP-Ohio made physical and/or operational changes as defined by 40 C.F.R. 60.14 at the Gorsuch Station when it performed the station improvement and uprate program in or around 1991 that resulted in an increase in net generating capability for each boiler and resulting in hourly emission increases of PM, SO₂, and NO_x.

46. Elkem Metals and AMP-Ohio violated and continues to violate NSPS, Subpart Da (40 C.F.R. 60.40b) by modifying the above listed facilities without installing the necessary pollution control technology to achieve, demonstrate, and maintain compliance with the applicable emission limitation under NSPS, Subpart Da.

Violations of the Title V Provisions

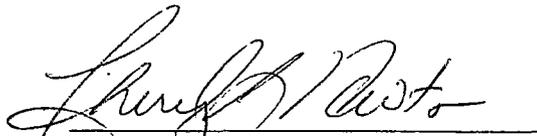
47. Since August 15, 1996, Elkem Metals and AMP-Ohio have failed to submit timely and complete Title V permit applications for Gorsuch Station with information pertaining to the modifications identified in Paragraph 38 and with information concerning all applicable requirements, including, but not limited to, the requirement to apply, install and operate BACT or LAER for NO_x, SO₂ and PM at the plants and also failed to supplement or correct the Title V permit applications for these plants in violation of Sections 502 and 503 of the Act, 42 U.S.C. §§ 7661a and 7661b; the regulations at 40 C.F.R. Part 70, including, but not limited to, 40 C.F.R. §§ 70.1(b), 70.5(a), (b) and (c), and 70.7(b); and the Ohio's Title V provisions at OAC 3745-77-07.

ENFORCEMENT AUTHORITY

48. Section 113(a) (1) of the Act, 42 U.S.C. § 7413(a)(1), provides that at any time after the expiration of 30 days following the date of the issuance of a Notice of Violation, the Administrator may, without regard to the period of violation, issue an order requiring compliance with the requirements of the state implementation plan or permit, issue an administrative penalty order pursuant to Section 113(d), or bring a civil action pursuant to Section 113(b) for injunctive relief and/or civil penalties.

49. Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3), provides in part that if the Administrator finds that a person has violated, or is in violation of any requirement or prohibition of any rule...promulgated...under...[Title I or Title V of the Act], the Administrator may issue an administrative penalty order under Section 113(d), issue an order requiring compliance with such requirement or prohibition, or bring a civil action pursuant to Section 113(b) for injunctive relief and/or civil penalties.

Dated: 3/27/09


Cheryl L. Newton
Director
Air and Radiation Division

Appendix A

Project	Work Completed
Boiler Repair/Replacement Program	<ul style="list-style-type: none"> - Replaced primary superheater and economizer tubes and rebuild of air heaters on Boiler No. 2 (May 1981-March 1982) - Replaced primary superheater and economizer tubes on Boiler No. 3 (October 1983-May 1984) - Replaced economizer tubes on Boilers No. 1 (1981 to 1984) - Replaced primary superheater on Boiler No. 1 (1981 to 1984) - Replaced primary superheater on Boiler No. 4 (1986/7) - Rebuild of air heaters on Boilers Nos. 1, and 3 (1981 - 1984) - High pressure feedwater heaters for Boiler No. 4 retubed (1984) - Rebuild of boiler ash hopper on Boiler No. 3 (1984) - Rebuild of boiler ash hopper, burner box and burners on Boiler No. 2 (1985) - Retube of condenser on Boiler Nos. 1 and 3 (1985 and 1986)
Station Improvement and Uprate Program	<ul style="list-style-type: none"> - Retube of condenser on Boiler Nos. 2 and 4 (1988 and 1989) - Construct new substation (1990) - Overhaul and uprate work on Turbine Nos. 1, 2, 3, and 4 (1989 - 1990) - Replace low pressure turbine rotor on Turbine Nos. 2 and 4 (1991) - Replace low pressure turbine rotor and diaphragms on Turbine No. 1 (1990) - Repairs to breeching and ID fans for Boiler No. 2 (1990) - New step-up transformer (1989 - 1990) - Burner control and management system (1991)

CERTIFICATE OF MAILING

I, Betty Williams, certify that I sent a Notice of Violation and Finding of Violation, No. **EPA-5-09-OH-11**, by Certified Mail, Return Receipt Requested, to:

Patrick W. Frazier, Vice President
Power Supply Services
American Municipal Power-Ohio, Inc.
2600 Airport Drive
Columbus, OH 43219

Tony Larusso
Vice President
Elkem Metals, Inc.
400 Rouser Road
Coraopolis, PA 15108-2842

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

Stephen C. Fitch
Chester, Willcox & Saxbe, LLP
65 East State Street, Suite 1000
Columbus, OH 43215-4213

Dean Ponchak
Division of Air Pollution Control
Southeast District Office
Ohio EPA
2195 Front Street
Logan, OH 43138

Janica A. Pierce
Associate Attorney
Chester, Wilcox & Saxbe
65 E. State Street, Ste 1000
Columbus, OH 43215

On the 30th day of March, 2009



Betty Williams, Administrative
Program Assistant

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0005 8915 9723