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

AUG 29 2016

REPLY TO THE ATTENTION OF

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Stacey King
Area Environmental Manager
Carmeuse Lime, Inc.
3964 County Road 41
Millersville, Ohio 43435

Re: Administrative Order EPA-5-16-113(a)-OH-18

Dear Ms. King:

Enclosed is an executed original of the Administrative Consent Order regarding the above captioned case. If you have any questions about the Order, please contact me at (312) 886-3850.

Sincerely,

Nathan Frank
Chief
Air Enforcement and Compliance Assurance Section (IL/IN)

Enclosure

cc: Bob Hodanbosi
Ohio Environmental Protection Agency (by electronic mail)
Bob.Hodanbosi@epa.ohio.gov

Michael E. Born, Esq.
Shumaker, Loop & Kendrick, LLP (by electronic mail)
mborn@slk-law.com

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:	)	**EPA-5-16-113(a)-OH-18**
	)	
Carmeuse Lime, Inc.	)	**Proceeding Under Sections 113(a)(3) and 114(a)(1)**
Millersville, Ohio	)	**of the Clean Air Act, 42 U.S.C. § 7413(a)(3) and**
	)	**7414(a)(1)**
Respondent	)	

Administrative Consent Order

1. The Director of the Air and Radiation Division, U.S. Environmental Protection Agency (EPA), Region 5, is issuing this Order to Carmeuse Lime, Inc. (Carmeuse Lime) under Sections 113(a)(3) and 114(a)(1) of the Clean Air Act (CAA), 42 U.S.C. §§ 7413(a)(3) and 7414(a)(1).

Statutory and Regulatory Background

2. Section 112(b) of the CAA, 42 U.S.C. § 7412(b), provides a list of hazardous air pollutants (HAPs) developed by Congress and modified in accordance with the CAA.

3. Section 112(c)(1) of the CAA, 42 U.S.C. § 7412(c)(1), requires the Administrator publish, and from time to time revise, if appropriate, a list of source categories and subcategories of major sources and area sources of the air pollutants listed pursuant to Section 112(b).

4. Section 112(d) of the CAA, 42 U.S.C. § 7412(d), requires the Administrator promulgate National Emission Standards for Hazardous Air Pollutants (NESHAP) for each category or subcategory of major sources and area sources of HAPs listed for regulation.

5. Section 112(d) of the CAA, 42 U.S.C. § 7412(d), also identifies the minimum requirements under which the Administrator is to develop and promulgate such regulations.

6. The Administrator published an initial list of categories and subcategories of major sources and area sources in accordance with Section 112 of the CAA, 42 U.S.C. 7412, on July 16, 1992. 57 Fed. Reg. 31576.

7. The initial list of categories and subcategories includes lime manufacturing. 57 Fed. Reg. 31591.

8. The Administrator published the General Provisions of 40 C.F.R. Part 63 on December 29, 1992, as amended. 59 Fed. Reg. 61992 (codified at 40 C.F.R. Part 63, Subpart A).

9. The Administrator issued, in accordance with the requirements of Section 112 of the CAA, a final rule for the NESHAP for Lime Manufacturing Plants (40 C.F.R. Part 63, Subpart AAAAA) on January 5, 2004. 69 Fed. Reg. 393.

10. 40 C.F.R. § 63.1(a)(2) of the General Provisions contains NESHAPs established pursuant to Section 112 of the CAA. These standards regulate specific categories of stationary sources that emit (or have the potential to emit) one or more hazardous air pollutants listed in this part, pursuant to Section 112(b) of the CAA.

11. 40 C.F.R. § 63.7081(a) states an affected source to which the provisions of this subpart shall apply is each lime manufacturing plant that is located at or a part of, a major source of HAPs.

12. A major source is a plant site that emits or has the potential to emit any single HAP at a rate of 10 tons or more per year or any combination of HAPs at a rate of 25 tons or more per year from all emission sources at the plant site. 40 C.F.R. § 63.7081(a)(2).

13. Particulate Matter (PM) emissions from each affected lime kiln utilizing a wet scrubber (at which the scrubber itself was operating prior to January 5, 2004) shall not exceed 0.60

pounds of PM per ton of stone feed. 40 C.F.R. § 63.7090(a) and Table 1 to Subpart AAAAA of Part 63.

14. After the effective date of any emissions standard, limitation, or regulation promulgated under this section and applicable to a source, no person may operate such source in violation of such standard, limitation, or regulation. Section 112(i)(3)(A) of the CAA, 42 U.S.C. § 7412(i)(3)(A).

15. Under Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3), the Administrator of EPA may issue an order requiring compliance to any person who has violated or is violating the NESHAP regulations. The Administrator has delegated this authority to the Director of the Air and Radiation Division.

Findings

16. Respondent owns and operates a lime manufacturing plant site at 3964 County Road 41, Millersville, Ohio (Facility).

17. The Facility is a stationary source, as defined in the CAA and 40 C.F.R. § 63.2.

18. The Facility consists of two rotary kilns that vent to wet scrubbers for PM control, which are affected sources as defined at 40 C.F.R. § 63.340(a).

19. The Facility conducted the PM testing on Kiln 1 utilizing a product named "Fusite" on November 19, 2013, following EPA Reference Method 5, at 40 C.F.R. Part 60, Appendix A.

20. The results of the PM testing at Carmeuse Lime were provided to EPA via Electronic mail dated March 18, 2014.

21. Test results for Kiln 1 averaged 0.853 pounds of PM per ton of stone feed, over three, one-hour testing runs.

22. During the PM testing, the Kiln 1 average lime production in tons per hour was 25.49 tons of stone feed per hour.

23. Respondent violated the National Emission Standards for Lime Manufacturing Plants (40 C.F.R. Part 63, Subpart AAAAA) by exceeding the 0.60 pounds of PM per ton of stone feed limit at its affected kilns.

24. EPA issued a Finding of Violation (FOV) to Respondent on March 31, 2014.

25. Representatives of Carmeuse Lime and EPA met on June 23, 2014, to discuss the FOV issued March 31, 2014.

26. Carmeuse Lime has temporarily ceased production of Fusite.

27. Carmeuse Lime met the standard for PM emissions in its last stack tests, June 24, 2014, and August 14, 2014, while producing its other products.

Compliance Program

28. Carmeuse Lime must maintain continuous compliance with the 0.60 pounds of PM per ton of stone feed limit at its two affected kilns as set forth in 40 C.F.R. Part 63, Subpart AAAAA at all times.

29. Within 90 days of the effective date of this Order, Carmeuse Lime shall apply for an amendment to its Title V Permit, no. P0087609, requiring it to make physical improvements to the scrubbers of Kilns 1 and 2 to improve particulate control efficiency, prior to resuming Fusite production.

30. Carmeuse Lime must demonstrate compliance with the applicable emission limit by conducting performance testing for total PM at each of the Kiln scrubber outlets (Kiln 1 and Kiln 2) during Fusite production. Performance testing must be completed within 120 days after initiating Fusite production on either kiln. The stack test on both kilns shall be conducted in

accordance with 40 C.F.R. § 63.7(e)(1), 40 C.F.R. § 63.7112 and 40 C.F.R. Part 63, Subpart AAAAA, Table 4.

31. In addition to the control upgrades it shall implement, Carmeuse Lime shall take federally enforceable operational permit limitations which limit the minimum pressure drop across each scrubber from the quench vessel intake to the scrubber outlet and scrubber liquid flow rate as measured during the compliance test conducted in accordance with Paragraph 30 while producing Fusite.

32. Carmeuse Lime shall record the pressure drop across the scrubber from the quench vessel intake to the scrubber outlet and the scrubber liquid flow rate in three-hour block averages. The monitoring equipment shall be installed, calibrated, operated, and maintained in accordance with the manufacturer's recommendations, instructions, and operating manual(s); Carmeuse Lime must maintain monthly records of actual pressure drop across each scrubber and actual scrubber liquid flow rate for a 12-month period following return to Fusite production.

33. Carmeuse Lime must submit a final report of the performance test results to EPA no later than 60 days after completing the testing required in Paragraph 30. This final report must include all results obtained during the testing even if some tests were stopped part way through due to unforeseen errors or upset conditions. The final report must also include, at a minimum, the following information:

a. All measured results of total PM per hour.

b. All measured pressure drop and liquid flow rate readings required by Paragraph 32 for each scrubber as measured during the stack testing. This must include both the average value recorded during each testing run across each stack system and a copy of the actual data sheet where individual readings are recorded during testing.

c. Actual production feed rates achieved (in tons of stone feed) during the test.

d. The moisture content, temperature, and flow rate of the gases being emitted from the stack being tested, including the raw field data.

e. Calibration procedures and results of calibrations performed on all testing equipment, including Pitot tube, nozzle, meter box, thermometer, and barometer.

f. The name, affiliation, and contact information for all representatives of the testing firm and any regulatory agencies that witnessed or participated in the test.

g. An identification, discussion, and explanation of any errors encountered during the testing (both real and apparent) and the causes of such errors.

h. Raw field data which may include additional operational conditions monitored, readings obtained during testing, and raw data gathered by the contractor as part of the stack testing.

34. If performance testing conducted in accordance with Paragraphs 31-33 shows emissions of total PM in excess of the 0.60 pounds of PM per ton of stone feed emission limit during Fusite production, Carmeuse Lime must immediately cease production of Fusite. Prior to reinitiating Fusite production, Carmeuse Lime shall take the following steps:

a. implement upgrades (or additional upgrades) or make appropriate operational changes to one or more of its control systems associated with the violating lime kiln(s), such that the violating kiln(s) achieve and maintain continuous compliance with the 0.60 pounds of PM per ton of stone feed emission limit during Fusite production;

b. retest the affected kiln(s) in accordance with Paragraphs 31-33 while producing Fusite; and

c. demonstrate compliance with the 0.60 pounds of PM per ton of stone feed emission limit during Fusite production.

Record Keeping and Reporting:

35. Carmeuse Lime must maintain all applicable records as required by 40 C.F.R. § 63.10(b)(1-2) and (c) as well as 40 C.F.R. Part 63, Subpart AAAAA.

36. Carmeuse Lime must maintain records showing each three-hour block gas stream pressure drop across the wet scrubber that is greater than or equal to the pressure drop operating limit established during the most recent performance test, as required in 40 C.F.R. Part 63.7090(b) and 40 C.F.R. Part 63, Table 2 of Subpart AAAAA.

37. Carmeuse Lime must maintain records of each three-hour block scrubbing liquid flow rate that is greater than or equal to the scrubbing liquid operating limit established during the most recent performance test, as required in 40 C.F.R. Part 63.7090(b) and 40 C.F.R. Part 63, Table 2 of Subpart AAAAA.

38. Carmeuse Lime must maintain records of pressure drop across each scrubber and liquid flow rate of each scrubber in written or electronic format beginning no later than 60 days after the effective date of this Order. These records must be obtained as required in 40 C.F.R. Part 63, Subpart AAAAA and summarized on a three-hour block average while each control device system is operating.

39. Carmeuse Lime must maintain records of the operating hours each day that each of the two kilns produce Fusite.

40. All records required by this Order must be maintained in a reviewable form for a minimum of five years. The most recent two years of records must be maintained on-site and readily available for review upon request.

41. Carmeuse Lime must submit semi-annual reports to EPA for review and evaluation of compliance with this Order. The reporting period shall be every six months following the recommencement of Fusite production with the report due 30 days after the termination of the reporting period. If Fusite production has not recommenced, Carmeuse Lime will provide notice of such fact in lieu of the semi-annual report.

42. The semi-annual reports must include, at a minimum, applicable information required by the applicable general provisions of 40 C.F.R. § 63, 40 C.F.R. Part 63, Subpart AAAAA, and this Order.

43. In addition, the semi-annual reports must identify each three hour block when the pressure drop or liquid flow rate, as monitored in accordance with Paragraph 32, falls below the pressure drop and liquid flow rates established in accordance with Paragraph 32 of this Order. This report must include any period when one or more kilns associated with the respective control device system is operating during Fusite production, including periods of process unit start-up, shut down, and malfunction. This report must include, at a minimum, the following information:

a. The date of each period when the pressure drop or liquid flow rate falls below the applicable limits.

b. The time (beginning and end time) of each period whn the pressure drop and liquid flow rate falls below the applicable limits.

c. The actual pressure drop and liquid flow rate measured each period when the pressure drop or liquid flow rate falls below the established pressure drop limit.

d. The cause of each period when the pressure drop or liquid flow rate falls below the applicable limits.

e. The corrective action(s) taken or preventative measure(s) adopted to prevent the pressure drop or liquid flow rate from falling below the applicable pressure drop and liquid flow rate limits in the future.

Additional Permit Revisions:

44. Carmeuse Lime must also apply for revisions to its existing Title V operating permit no later than 90 days after the performance test required by Paragraph 30. The revisions must incorporate the requirements of this Order as federally enforceable terms and conditions, as explained in Paragraphs 45-46 below.

45. Carmeuse Lime must apply for revisions to its existing operating permit to incorporate its operational limitations in accordance with Paragraph 31, if necessary. The operational limitations must be established on a per kiln basis as federally enforceable limitations.

46. Carmeuse Lime must apply for revisions to its existing operating permit to incorporate the substantive recordkeeping and reporting requirements of Paragraphs 35-40 of this Order, if necessary.

47. Carmeuse Lime must send all reports required by this Order to:

Attention: Compliance Tracker (AE-17J)
Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

General Provisions

48. This Order does not affect Carmeuse Lime's responsibility to comply with other federal, state, and local laws.

49. This Order does not restrict EPA's authority to enforce the Ohio State Implementation Plan, Section 111 or 112 of the CAA, or any other section of the CAA.

50. Nothing in this Order limits the EPA's authority to seek appropriate relief, including penalties, under Section 113 of the CAA, 42 U.S.C. § 7413, for Carmeuse Lime's violation of 40 C.F.R Part 63, Subpart AAAAA.

51. Failure to comply with this Order may subject Carmeuse Lime to penalties of up to $37,500 per day for each violation under Section 113 of the CAA, 42 U.S.C. § 7413, and 40 C.F.R. Part 19.

52. The terms of this Order are binding on Carmeuse Lime, its assignees, and its successors. Carmeuse Lime must give notice of this Order to any successors in interest prior to

transferring ownership and must simultaneously verify to EPA, at the above address, that it has given the notice.

53. Carmeuse Lime may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B, for any portion of the information it submits to EPA. Information subject to a business confidentiality claim is available to the public only to the extent allowed by 40 C.F.R. Part 2, Subpart B. If Carmeuse Lime fails to assert a business confidentiality claim, EPA may make all submitted information available, without further notice, to any member of the public who requests it. Emission data provided under this Order are not entitled to confidential treatment under 40 C.F.R. Part 2, Subpart B. The term "Emission data" is defined at 40 C.F.R. § 2.301.

54. This order is not subject to the Paperwork Reduction Act, 44 U.S.C. 3501 et seq., because it seeks collection of information by an agency from specific individuals or entities as part of an administrative action or investigation. To aid in our electronic recordkeeping efforts, please furnish an electronic copy on physical media such as compact disk, flash drive, or other similar item. If it is not possible to submit the information electronically, submit the response to this order without staples, paper clips, and binder clips; however, three ring binders are acceptable.

55. EPA may use any information submitted under this Order in an administrative, civil, judicial, or criminal action.

56. Carmeuse Lime agrees to the terms of this Order.

57. Carmeuse Lime neither admits nor denies the specific factual allegations set forth above in this Order.

58. Carmeuse Lime must achieve compliance with all requirements of this Order in accordance with the schedule set forth herein.

59. This Order will terminate when Carmeuse Lime requests EPA to terminate this Order after Carmeuse Lime achieves compliance with all requirements of this Order. To request termination of the Order, Carmeuse Lime must submit to EPA a "final notification," which describes Carmeuse Lime's compliance actions and basis for believing that such actions have met the requirements of this Order. The notification will be reviewed by EPA, and if EPA agrees with Carmeuse Lime's assessment, the Order will be terminated through a letter from EPA to Carmeuse Lime.

60. This Order is effective on the date of signature by the Director of the Air and Radiation Division.

August 11, 2016
Date

Kevin Whyte, Vice President and General Counsel
Carmeuse Lime, Inc.

8/29/16
Date

Edward Nam
Acting Director
Air and Radiation Division
U.S. Environmental Protection Agency, Region 5

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent the Administrative Consent Order, EPA-5-16-113(a)-OH-18, by certified Mail, return receipt requested, to:

Stacey King
Area Environmental Manager
Carmeuse Lime, Inc.
3964 County Road 41
Millersville, Ohio 43435

I also certify that I sent a copy of the Administrative Consent Order, EPA-5-16-113(a)-OH-18, by electronic mail to:

Bob Hodanbosi
Ohio Environmental Protection Agency (by electronic mail)
Bob.Hodanbosi@epa.ohio.gov

Michael E. Born, Esq.
Shumaker, Loop & Kendrick, LLP (by electronic mail)
mborn@slk-law.com

On the 30 day of August 2016.

Loretta Shaffer

Loretta Shaffer
Program Technician
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7674 0692