



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

MAR 20 2008

REPLY TO THE ATTENTION OF:

(AE-17J)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Steve Phagan
Carmeuse Ohio, Inc. – Maplegrove Lime Plant
1967 West County Road 42
Bettsville, Ohio 44815

Re: Notice and Finding of Violation
Carmeuse Ohio, Inc.
Maplegrove Lime Plant
Bettsville, Ohio

Dear Mr. Phagan:

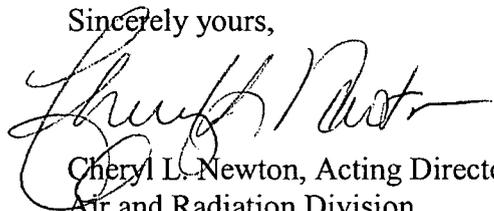
The U. S. Environmental Protection Agency is issuing the enclosed Notice and Finding of Violation (NOV/FOV) to Carmeuse Ohio, Inc. – Maplegrove Lime Plant (Carmeuse-Maplegrove or you) under Section 113(a)(1) of the Clean Air Act (CAA), 42 U.S.C. § 7413(a)(1). We find that you are violating the New Source Performance Standards for Lime Manufacturing Plants at Title I, Section 111 of the CAA and its implementing regulations at 40 C.F.R. Part 60, Subpart HH, National Emission Standards for Hazardous Air Pollutants for Lime Manufacturing Plants at Title I, Section 112 of the CAA and its implementing regulations at 40 C.F.R. Part 63, Subpart AAAAA, Title V of the CAA and its implementing regulations at 40 C.F.R. Part 70, and the Ohio State Implementation Plan at your Bettsville, Ohio facility.

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 Natalie Topinka. You may call her at (312) 886-3853 to request a conference. EPA hopes that this NOV/FOV will encourage Carmeuse-Maplegrove's compliance with the requirements of the Clean Air Act.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Cheryl L. Newton".

Cheryl L. Newton, Acting Director
Air and Radiation Division

cc: Don Waltermeyer, APC
Northwest District Office
Ohio Environmental Protection Agency

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

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF: Carmeuse Ohio, Inc. – Maplegrove Lime Plant Bettsville, Ohio Proceedings Pursuant to Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1))	NOTICE and FINDING OF VIOLATION EPA-5-08-OH-07
--	---	---

NOTICE and FINDING OF VIOLATION

The U. S. Environmental Protection Agency is issuing this Notice and Finding of Violation (NOV/FOV) under Section 113(a)(1) of the Clean Air Act (CAA), 42 U.S.C. § 7413(a)(1). EPA finds that Carmeuse Ohio, Inc. – Maplegrove Lime Plant (Carmeuse-Maplegrove) is violating the New Source Performance Standards (NSPS) for Lime Manufacturing Plants at Title I, Section 111 of the CAA and its implementing regulations at 40 C.F.R. Part 60, Subpart HH, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Lime Manufacturing Plants at Title I, Section 112 of the CAA and its implementing regulations at 40 C.F.R. Part 63, Subpart AAAAA, Title V of the CAA and its implementing regulations at 40 C.F.R. Part 70, its Title V Permit, and the Ohio State Implementation Plan (Ohio SIP) as follows:

Regulatory Provisions

The permits, permit conditions, and regulatory provisions relevant to this NOV/FOV are as follows:

1. Under Chapter 3745-77 of the Ohio Administrative Code (OAC), on January 29, 2004, the Ohio Environmental Protection Agency (OEPA) issued Final Title V Permit No. 03-74-00-0010 to Carmeuse Ohio, Inc. for its Maplegrove Lime Plant. The Title V permit contains the following provisions relevant to this NOV/FOV:
 - a. The permit conditions in Part III, Table A.I.1 for Emission Unit #1 Kiln (P003) and Emission Unit #2 Kiln (P004) state that visible emissions from the kiln shall not exceed a 6-minute average of 15 percent opacity
 - b. The permit conditions in Part III, A.III.3 for P003 and P004 state that the permittee shall operate and maintain equipment to continuously monitor and record the opacity of the visible particulate emissions.

- c. The permit condition in Part III, A.IV.2 for P003 and P004 require Carmeuse-Maplegrove to submit quarterly reports documenting all instances of opacity values in excess of applicable limits on a 6-minute block average. The same section requires the quarterly reports be submitted documenting any continuous monitoring system downtime while the emissions unit was online.
 - d. Permit Condition Part II, A.1 indicates that P003 and P004 are each subject to 40 C.F.R. Part 63, Subpart AAAAA.
- 2. Under OAC 3745-31-02, on October 14, 2003, the OEPA issued a final permit to install (PTI) number 03-13527 to Carmeuse Lime, Inc. The PTI contains the following conditions relevant to this NOV/FOV:
 - a. The permit conditions in Part III, A.I.1 for Rotary Kiln #1 (P003) and Rotary Kiln #2 (P004) state visible emissions from the kiln shall not exceed 15 percent opacity as a 6-minute average.
 - b. The permit conditions in Part III, A.III.3 for P003 and P004 require Carmeuse-Maplegrove to operate and maintain a continuous monitoring system for opacity.
 - c. Permit condition Part III, A.IV.2 requires Carmeuse-Maplegrove to submit quarterly reports documenting all instances of opacity values in excess of applicable limits on a 6-minute block average. The same section requires the quarterly reports be submitted documenting any continuous monitoring system downtime while the emissions unit was online.
- 3. The NSPS Subpart HH at 40 C.F.R. §60.340 states that each rotary lime kiln used in the manufacture of lime that commences construction or modification after May 3, 1977, is subject to the requirements of this subpart.
 - a. 40 C.F.R. §60.342 (a)(2) states that emissions from any subject rotary lime kiln shall not exhibit greater than 15 percent opacity when exiting from a dry emission control device.
 - b. 40 C.F.R. 60.343(a) requires installation of a continuous monitoring system to monitor and record the opacity . . . of gases discharged into the atmosphere from any rotary lime kiln. It also requires the span of this continuous monitoring system be set at 40 percent.
- 4. 40 C.F.R. §60.1(a) states that the provisions of this part apply to the owner or operator of any stationary source which contains an affected facility, the construction or modification of which is commenced after the date of publication in this part of any standard (or, if earlier, the date of publication of any proposed standard) applicable to

that facility.

5. 40 C.F.R. §60.13(e) states that except for system breakdowns, repairs, calibration checks, and zero and span adjustments required under paragraph (d) of this section, all continuous monitoring systems shall be in continuous operation and shall meet minimum frequency of operation requirements.
6. Carmeuse-Maplegrove is a major source subject to the NESHAP for Lime Manufacturing Plants at 40 C.F.R. Part 63, Subpart AAAAA.
 - a. 40 C.F.R. §63.7113(a) requires, among other things, installation of a continuous parametric monitoring system and a continuous opacity monitoring system (COMS).
 - b. 40 C.F.R. 63.7113(g)(1-2) requires that each COMS be installed at the outlet to the add-on control device and be installed, maintained, calibrated and operated in accordance with 40 C.F.R. Part 63, Subpart A, General Provisions and according to PS-1 of appendix B to 40 C.F.R. Part 60.
 - c. Table 5 (4)(a)(ii) to 40 C.F.R. Part 63, Subpart AAAAA requires collecting the COMS data at a frequency of at least once every 15 seconds, determining block averages for each 6-minute period and demonstrating for each 6-minute block period the average opacity does not exceed 15 percent.
 - d. 40 C.F.R. §63.8 (c)(4) states that except for system breakdowns, out-of-control periods, repairs, maintenance periods, calibration checks, and zero (low-level) and high-level calibration drift adjustments, all CMS, including COMS and CEMS, shall be in continuous operation and shall meet minimum frequency of operation requirements.

Facility Information

7. Carmeuse-Maplegrove owns and operates a lime manufacturing facility, located at 1967 West County Road 42, Bettsville, Ohio.
8. Carmeuse-Maplegrove is a major source of hazardous air pollutants as defined at 40 C.F.R. § 63.2.
9. Carmeuse-Maplegrove owns and operates an affected source as defined at 40 C.F.R. § 60.2 and described at 40 C.F.R. § 60.340.
10. Carmeuse-Maplegrove owns and operates two rotary lime kilns, identified in the Title V permit and the PTI as #1 Kiln (P003) and #2 Kiln (P004).

11. The #1 and #2 Kilns vent to a single stack equipped with a COMS, identified in the Title V Permit as Monitor P564.

Explanation of Violations

12. Based on a review of COMS data submitted to EPA, emissions from Carmeuse-Maplegrove's kilns exceeded 15% opacity for at least 212,376 minutes during the years 2004, 2005, 2006, and 2007 (Table 1). Exceeding the 15 percent opacity limit is a violation of Carmeuse-Maplegrove's Title V permit, PTI number 03-13527, NSPS for Lime Manufacturing Plants at Title I, Section 111 of the CAA with implementing regulations at 40 C.F.R. Part 60, Subpart HH, the NESHAP for Lime Manufacturing Plants at Title I, Section 112 of the CAA with implementing regulations at 40 C.F.R. Part 63, Subpart AAAAAA, and Title V of the CAA with implementing regulations at 40 C.F.R. Part 70.
13. Downtime for COMS Monitor P564 totaled at least 97,441 minutes during the years 2004, 2005, 2006, and 2007 (Table 1), in violation of NSPS for Lime Manufacturing Plants at Title I, Section 111 of the CAA with implementing regulations at 40 C.F.R. Part 60, Subparts A and HH and the NESHAP for Lime Manufacturing Plants at Title I, Section 112 of the CAA with implementing regulations at 40 C.F.R. Part 63, Subparts A and AAAAAA and Title V of the CAA with implementing regulations at 40 C.F.R. Part 70.

Environmental Impact of Violations

14. Fugitive dust emissions increase public exposure to unhealthy particulate matter. Particulate matter, especially fine particulate, contributes to respiratory problems, lung damage and premature deaths.

3/20/08
Date

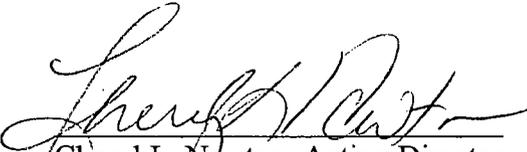

Cheryl L. Newton, Acting Director
Air and Radiation Division

Table 1. Carmeuse-Maplegrove Summary of Minutes of Emissions Exceeding 15% Opacity and Opacity Monitor Operating Time by Quarter, 2004-2007.

Emissions Units	Year	Quarter	Source Operating Time in Quarter (Minutes)	Excess Opacity (Minutes)	Excess Opacity (%)	Monitor Uptime (Minutes)	Monitor Downtime (Minutes)	Monitor Downtime (%)
P003 & P004	2004	1	130494	33474	25.65	130494	546	0.00
		2	130433	14904	11.43	130433	607	0.00
		3	131768	1194	0.91	131768	712	0.00
		4	131311	40092	30.53	130009	2471	0.99
	2005	1	126144	109236	86.60	126144	3456	0.00
		2	131040	3762	2.87	131040	0	0.00
		3	132480	2052	1.55	113340	19140	14.45
		4	132480	1584	1.20	132480	0	0.00
	2006	1	129600	2682	2.07	76812	52788	40.73
		2	131040	2208	1.68	129948	1092	0.83
		3	132480	324	0.24	132480	0	0.00
		4	131040	804	0.61	131040	0	0.00
	2007	1	122386	0	0.00	119708	2678	2.19
		2	131040	0	0.00	117089	13951	10.65
		3	132480	60	0.05	132480	0	0.00
Totals		15	1,956,216	212,376		1,865,265	97,441	

CERTIFICATE OF MAILING

I, Betty Williams, certify that I sent a Notice and Finding of Violation, No

EPA-5-08-OH-07, by Certified Mail, Return Receipt Requested, to:

Steve Phagan
Carmeuse Ohio, Inc. – Maplegrove Lime Plant
1967 West County Road 42
Bettsville, OH 44815

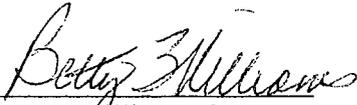
I also certify that I sent copies of the Notice and Finding of Violation by first class mail to:

Robert Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency
Lazarus Government Center
P.O. Box 1049
Columbus, OH 43216-1049

And

Don Waltermeyer, APC Supervisor
Northwest District Office
Ohio Environmental Protection Agency
347 North Dunbridge Road
Bowling Green, OH 43402

on the 21ST day of March, 2008.


Betty Williams, Secretary
AECAS, (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: 70010320000589200944