



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director

June 10, 2016

CERTIFIED MAIL

Brian Horvath
Operations Manger
Carmeuse Lime, Inc.,
Grand Rivers Operation
15 Williams Street
Grand River, Ohio 44045

Re: Final Findings and Orders for violations of
Ohio's air pollution regulations

Dear Mr. Horvath:

Transmitted herewith are the Final Findings and Orders ("Orders") of the Director of Ohio EPA concerning the above-referenced matter.

Please note that the effective date of the Orders is the date that the Orders were entered into the Ohio EPA Director's journal, which is the date that is stamped on the first page of the Orders.

Sincerely,



James Kavalec, Manager
Compliance/Enforcement Section
Division of Air Pollution Control

xc: James Lee, PIC
Don Vanerpool, Legal Office
Tim Fischer, NEDO

OHIO E.P.A.

JUN 10 2016

BEFORE THE

ENTERED DIRECTOR'S JOURNAL

OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Carmeuse Lime, Inc
Grand River Operations
15 Williams Street
Grand River, Ohio 44045

: Director's Final Findings
: and Orders
:
:

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

PREAMBLE

It is agreed by the parties hereto as follows:

By:  Date: 6-10-16

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Carmeuse Lime, Inc - Grand River Operations ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") §§ 3704.03 and 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law. No change in ownership of Respondent or of the facility (as hereinafter defined) shall in any way alter Respondent's obligations under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 3704 and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA makes the following findings:

1. Respondent owns and operates the Carmeuse Lime, Inc - Grand River Operations facility located at 15 Williams Street, Grand River, in Lake County, Ohio. The facility receives limestone from lake-boats which is offloaded into large piles on the Grand River. The limestone is fed from an underground conveyor up to the top of a staging area, where the unprocessed material is metered out by weight and fed into one

of the two rotary kilns on site. As the limestone travels down the rotary kiln, it is heated to temperatures required for calcination (to create lime). After calcination, the lime is cooled as it is collected in storage silos. The finished product is then distributed from the storage silos to tractor-trailers for market use. The Facility is classified as a major source as defined in Ohio Administrative Code ("OAC") Rule 3745-77-01(X) and identified by Ohio EPA facility identification number 0243030257.

2. On October 20, 2010, Respondent was issued a Title V renewal permit pursuant to Chapter 3745-77 of the Ohio Administrative Code. On November 30, 2012, Respondent was issued a Title V permit modification. The permit and the authorization to operate the air contaminant sources (emissions units (EUs)) at this facility expired at midnight on October 20, 2015. A timely Title V renewal application was submitted on April 15, 2015 pursuant to OAC rule 3745-77-08(E)(1). As such, all provisions and authorizations of the expired permits remain in effect until the Director's final action on the pending renewal applications.

3. At this facility, Respondent operates two lime kilns, one of which (P002) is the subject of these Findings and Orders. These lime kilns are identified by Ohio EPA as P001 (Lime Kiln #4) and P002 (Lime Kiln #5). Each of these above-referenced EUs is an "air contaminant source" as defined in OAC Rules 3745-15-01(C) and (W), and 3745-31-01(I), and ORC § 3704.01(C). The terms and conditions of the Title V permit states that these units are subject to the Maximum Achievable Control Technology ("MACT") rule 40 CFR Part 63 Subpart AAAAA and particulate emissions ("PM") shall not exceed 0.12 pound (lb) per ton of stone feed (tsf).

4. ORC § 3704.05(C) prohibits any person who is a holder of a permit issued by the Director of Ohio EPA pursuant to ORC § 3704.03 from violating any of its terms and conditions. ORC § 3704.05(G) prohibits any person from violating any order, rule, or determination of the director issued, adopted, or made under this chapter.

5. ORC § 3704.05(J)(2) prohibits any person from violating the terms and conditions of any Title V permit issued by the Director of Ohio EPA or any rule adopted by the Director of Ohio EPA pursuant to the Title V permit program.

6. OAC rule 3745-77-07(A)(7)(a) states that the permittee must comply with all conditions of the permit. Any noncompliance with the federally enforceable terms and conditions of the permit constitutes a violation of the act and is grounds for enforcement action or for permit revocation, revocation and reissuance, or modification, or for denial of a permit renewal application.

7. OAC rule 3745-77-07(A)(3)(c)(i) states that the permittee submit a report of any required monitoring every six months. To the extent possible, the schedule for submission of such reports shall be timed to coincide with other periodic reports required by the permit, including the permittee's annual compliance certification.
8. OAC rule 3745-77-07(A)(3)(c)(ii) states that each report submitted under paragraph (A)(3)(c)(i) of this rule shall clearly identify any deviations from the permit requirements that have occurred since the previous report has been submitted.
9. On December 10, 2014, Ohio EPA issued a Director's exemption letter to Carmeuse allowing for pet coke to be burned for a trial period without applying for and obtaining a permit for the change in fuels. Carmeuse burned pet coke temporarily in order to test the feasibility of using pet coke as a fuel long term. The letter did not relieve Carmeuse from any applicable requirements or emission limits.
10. Respondent conducted an emissions test of P002 on April 7, 2015 while operating with pet-coke, which demonstrated noncompliance with the PM emissions limitation. The tested emission rate was determined to be 0.4926 lb/tsf. Carmeuse believes that the pet coke caused the first test failure. After it was determined that P002 failed this test, it was removed from service until the following test was conducted.
11. A second emissions test of P002 was conducted using pet code^k on July 24, 2015 which again demonstrated noncompliance with the applicable particulate emission standard identified under the MACT and Title V permit. The tested emission rate was determined to be 0.136 lb/tsf.
12. A third emissions test of P002 was conducted on October 9, 2015 without using pet coke and again Respondent failed to demonstrate compliance with the applicable particulate emission standard identified under the MACT and Title V permit. The tested emission rate was determined to be 0.17 lb/tsf.
13. By letters dated August 26, 2015 and November 24, 2015, Ohio EPA notified Respondent of the violations referenced in Finding Nos. 10, 11 and 12 of these Orders. On June 19, 2015 and December 10, 2015, Respondent submitted a response to the Notice of Violations indicating discontinuation of pursuing pet coke usage.
14. Respondent contracted an emissions control device maintenance firm to perform multiple improvements to the electrostatic precipitator on November 9, 2015. On November 25, 2015, an emissions retest was conducted on P002 and compliance was achieved with a PM result of 0.10 lb/tsf.
15. The Director has given consideration to, and based his determination on, evidence relating to the technical feasibility and economic reasonableness of complying with the following Orders and their benefits to the people of the State derived from such compliance.

V. ORDERS

The Director hereby issues the following Order:

Respondent shall pay the amount of fourteen thousand four hundred dollars (\$14,400) in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3704. Within thirty (30) days after the effective date of these Orders, payment to Ohio EPA shall be made by an official check made payable to "Treasurer, State of Ohio". The official check shall be submitted to Carol Butler, or her successor, together with a letter identifying the Respondent, to:

Ohio EPA
Office of Fiscal Administration
P.O. Box 1049
Columbus, Ohio 43216-1049

VI. TERMINATION

Respondent's obligations under these Orders shall terminate upon Ohio EPA's receipt of the official checks required by Section V of these Orders.

VII. OTHER CLAIMS

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to, operations by Respondent.

VIII. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent.

IX. MODIFICATIONS

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

X. NOTICE

All documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio EPA DAPC, Northeast District Office
2110 East Aurora Road
Twinsburg, OH 44087
Attention: Tim Fischer

and to:

Ohio EPA
Division of Air Pollution Control
P.O. Box 1049
Columbus, Ohio 43216-1049
Attention: Jim Kavalec

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

XI. RESERVATION OF RIGHTS

Ohio EPA and Respondent each reserve all rights, privileges and causes of action, except as specifically waived in Section XII of these Orders.

XII. WAIVER

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the violations specifically cited herein.

Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

XIII. EFFECTIVE DATE

The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

XIV. SIGNATORY AUTHORITY

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

ORDERED AND AGREED:

Ohio Environmental Protection Agency

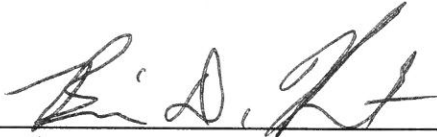


Craig W. Butler
Director

6/8/16
Date

AGREED:

Carause Lime, Inc - Grand River Operations



Signature

05-16-16
Date

Brian D. Horvath
Printed or Typed Name

Site Operations Mgr.
Title

Air Civil Penalty Worksheet
Carmeuse Lime, Inc - Grand River Operations
(for settlement purposes only)

A. Benefit Component:		\$0	Any economic benefit from delayed compliance is assumed to be negligible (i.e., less than \$5,000).
B. Gravity Component:			
1. Actual or Possible Harm:			
a. Amount Above Standard:	\$5,000		Respondent failed three emissions tests between April of 2015 and November of 2015, for penalty purposes the July 24 th noncomplying test was used because the facility operated the majority of the time out of compliance after this test. The permitted allowable is 0.12 lb /tsf. $[(0.136 \text{ lb/tsf} - 0.12 \text{ lb/tsf}) / 0.12 \text{ lb/tsf}] \times 100\% = 13\% \text{ over standard.}$ Per US EPA's Civil Penalty policy, the penalty associated with this amount above standard is \$5,000.
Length of Violation:	\$8,000		On April 7, 2015, Respondent failed the emissions test and removed the unit from service after the failed test. On July 24 th Respondent failed another emissions test and continued to operate the emissions unit until October 18, 2015, ~3 months, Respondent operated emissions unit P002 out of compliance.
b. Toxicity:	\$0		Not applicable
c. Sensitivity of the Environment:	\$0		Not applicable
2. Importance to the regulatory scheme:			Not applicable
3. Size of Violator:	\$5,000		\$395,000 (based on 20% of annual sales of 1,975,000 per reference USA web site), the penalty associated with this amount would be \$5,000.
Initial Gravity Component:		\$18,000	
Preliminary Deterrence Amount: (sum of benefit and gravity components)		\$18,000	
C. Adjustment Factors:			
1. Degree of willfulness or negligence: (total gravity component times any augmentation percentage)	\$0		
2. Degree of cooperation:	(\$3,600)		20% mitigation of gravity component for

(total gravity component times any mitigation percentage)			Carmeuse's cooperation. Carmeuse removed the unit from service after the April test until the July test. They also continued to work with NEDO to address the failed test from July until the passing test in November.
3. History of noncompliance: (total gravity component times any augmentation percentage)	\$0		
4. Ability to pay: (any mitigation amount)	\$0		
5. Other unique factors: (total gravity component times any mitigation or augmentation percentage)			
All augmentation (+) and mitigation (-) amounts added: (if negative, cannot exceed total gravity component)	(\$3,600)		
D. Adjusted Gravity Component:	\$16,400		
E. Administrative Component:			
Operation of a source without first obtaining a PTI or PTIO	\$0		
F. Initial Settlement Amount:		<u>\$14,400</u>	