



## PORTSMOUTH LOCAL AIR AGENCY

SERVING ADAMS, BROWN, SCIOTO, LAWRENCE and HIGHLAND COUNTIES  
605 Washington Street, Third Floor, Portsmouth, OH 45662 (740) 353-5156 Fax (740) 353-3638

December 19, 2025

Transmitted Electronically

Vince Malone  
Haverhill Coke Company LLC  
2446 Gallia Pike  
Franklin Furnace, OH 45629

Re: Haverhill Coke Company  
Notice of Violation (NOV)  
Air Permit  
Scioto County  
0773000182

### Portsmouth Local Air Agency

**Subject: Notice of Violation**

Dear Mr. Malone:

On October 31, 2025, Haverhill Coke Company ("HCC") submitted the Third Quarter Deviation Report indicating two exceedances of the permitted weekly quench water Total Dissolved Solids ("TDS") emission limitation for the Quench Tower used to quench the coke produced from CD battery (OEPA EU ID: P002), one exceedance of the weekly TDS emission limitation for the Quench Tower used to quench the coke produced from AB battery (OEPA EU ID: P001), a door fire deviation for Phase 1 nonrecovery coke oven battery P901, and several deviations of the Phase 1 P901 Main Stack opacity emission limit. Noting that Portsmouth Local Air Agency ("PLAA") issued a previous Notice of Violation ("NOV") letter to HCC on October 31, 2025 for the P901 Main Stack opacity violations. HCC provided a response to the P901 Main Stack opacity violations NOV letter on November 14, 2025.

Per HCC's August 11, 2025 NOV response letter to the July 11, 2025 PLAA NOV to HCC regarding deviations of the required TDS analysis procedures, footnote 1 on page 3 of the response letter communicated there was a TDS exceedance in July 2025 at Quench 2 (1138.4 mg/L) for which HCC would be reporting in their Q3 deviation report. PLAA could find no record of this P002 Quench TDS deviation in the HCC Third Quarter deviation report.

Per HCC's August 21, 2025 email attachment of follow-up information to PLAA's August 13, 2025 site visit, HCC provided information of a door fire deviation for Oven #39. Specifically, adding a notation the door fire on Oven #39 lasted over 15 minutes and will be included in the Q3 Deviation Report. PLAA could find no record of the P901 Oven #39 door fire deviation in the HCC Third Quarter deviation report.

During a subsequent August 27, 2025 PLAA – HCC meeting, PLAA communicated that we did not believe HCC was conducting the quench water sampling per the intent of the Coke Oven Battery 40 CFR Part 63 National Emission Standards for Hazardous Air Pollutants (NESHAP) CCCCC for Coke Ovens: Pushing, Quenching, and Battery Stacks final rule which requires quench water samples to be taken during "normal and representative conditions". Per HCC email and Standard Labs Standard Operating Procedure (SOP) for Quench Basin Water Sampling provided to PLAA on May 28, 2025, samples were taken during the time frame of

approximately 7 am to 8 am when feasible. Noting that the HCC normal coke oven battery production cycle since approximately January 2020, has been to commence production at 4 pm and end at 4 am. Therefore, sampling outside of normal production hours when coke is not being quenched and pumps are not circulating, does not appear to meet the compliance demonstration procedures of the HCC facility Title V permit or the coke oven battery Quenching requirements as outlined in 40 CFR Part 63, Subpart CCCCC for compliance demonstration.

### **Findings**

PLAA found the following violations of Ohio's ORC Chapter 3704, OAC Chapter 3745, and Haverhill Coke Company's permit terms and conditions. In order to bring your facility into compliance, we recommend promptly addressing these violations.

1. **ORC chapter 3704.05(C):** *"No person who is the holder of a permit issued under division (F) or (G) of section 3704.03 of the Revised Code shall violate any of its terms or conditions."*

**40 CFR 63.7295(a)(1)(i):** "The concentration of total dissolved solids (TDS) in the water used for quenching must not exceed 1,100 milligrams per liter (mg/L)."

**Permit Terms and Conditions:** *Title V* P0091350, terms C.5.b)(2)c. and C.5.c)(2). for emissions unit P001, Quench Tower to quench the coke produced from AB battery, and terms C.6.b)(2)c. and C.6.c)(2) for emissions unit P002, Quench Tower to quench coke produced from CD battery, requires: "Compliance with OAC Rules 3745-31-05, 3745-31-15 and 40 CFR 52.21 shall be demonstrated by a TDS concentration limit of 1100 mg/, the concentration of total dissolved solids (TDS) in the water used for quenching shall not exceed 1,100 milligrams per liter (mg/L), and the permittee shall employ clean quench water with a TDS concentration equal to or less than 1100 mg/l of water during the coke quenching operation."

Terms C.5.b)(2)c and C.6.b)(2)c, in accordance with 40 CFR Part 63, Subpart CCCCC, coke oven battery MACT, also requires "The concentration of total dissolved solids (TDS) in the water used for quenching shall not exceed 1,100 milligrams per liter (mg/L):

- (a) Per review of the HCC Third Quarter 2025 Deviation report and HCC August 11, 2025 Notice of Violation (NOV) written response, HCC reported exceedances of the TDS concentration limit established in the facility Title V permit and 40 CFR Part 63, Subpart CCCCC for P001 and P001 Quench Towers. Specifically, deviation / exceedances of the P001 and P002 quench 1,100 mg/l TDS concentration limit was reported for the following weeks:

P001 September 15, 2025 1,213 mg/l

P002 June 30, 2025 1,138 mg/l;

P002 August 18, 2025 1,186 mg/l;

P002 September 8, 2025 1,122 mg/l;

- (b) Requested action: Within 14 days of receipt of this letter, Haverhill Coke shall submit a compliance plan to the PLAA which provides an explanation of the root

cause of the TDS exceedances identified above and any corrective actions necessary to prevent a reoccurrence.

2. **ORC § 3704.05(C):** *"No person who is the holder of a permit issued under division (F) or (G) of section 3704.03 of the Revised Code shall violate any of its terms or conditions."*

**40 CFR 63.7325(a)(1):** *"Take the quench water sample from a location that provides a representative sample of the quench water as applied to the coke (e.g. from the header that feeds water to the quench tower reservoirs). Conduct sampling under normal and representative operating conditions."*

**Permit Terms and Conditions:** Title V P0091350, terms C.6.f)(h)i. and C.6.h)i.. for emissions units P001, Quench Tower to quench the coke produced from AB battery and P002 Quench Tower to quench the coke produced from CD battery, requires: compliance shall be demonstrated by the requirements specified in d)(1) and d)(2) and the permittee to *"conduct sampling under normal and representative operating conditions"*

- (a) As discussed during the August 27, 2025 PLAA – HCC meeting, PLAA communicated that our agency did not believe HCC was taking the Quench water weekly samples correctly with the intent of the coke oven battery rules as normal and representative samples. During a October 3, 2025 phone conversation, Vince Malone, HCC Environmental Manager, told PLAA the TDS sampling time was moved from the normal .7 am to 8 am timeframe to midnight to be more representative of operational conditions on approximately September 22, 2025 and stated that they modified the sample port(s) for a more constant flow to prevent plugging up the sample ports / lines.
- (b) Requested action: Within 14 days of receipt of this letter, Haverhill Coke shall provide a copy of any written SOP created for this change in procedure of collecting Quench water samples, provide documentation of the management of change for the changes associated with the TDS sampling port, including any associated drawings, diagrams, work orders, provide the exact date the change was implemented and provide weekly TDS results for July 7, 2025 thru December 12, 2025, including the chain of custody documentation, disclose any additional TDS exceedances which have occurred thus far for the Fourth Quarter 2025, and provide documentation of production data for the new sampling time of midnight or 12 AM to demonstrate the sampling is now being conducted under normal and representative operating conditions .
3. **ORC chapter 3704.05(C):** *"No person who is the holder of a permit issued under division (F) or (G) of section 3704.03 of the Revised Code shall violate any of its terms or conditions."*
- 40 CFR 63.303(c)(2):** *"Except as provided in paragraphs (c)(2)(i) and (ii)..., if a coke oven door is observed at any time during the coking cycle, the owner or operator shall take corrective action and stop the leak within 15 minutes from the time the leak is first observed.."*

**Permit Terms and Conditions:** Title V P0091350, terms C.8.d)(42)a. for emissions unit P901 coke oven battery AB, requires: "... if a coke oven door leak is observed at any time during the coking cycle, the permittee shall take corrective action and stop the leak within 15 minutes from the time the leak is first observed..."

- (a) Per review of the HCC Third Quarter 2025 Deviation report, HCC reported a door fire deviation for Oven #90 for the date of September 9, 2025 for a reported duration of 48 minutes. Per review of the HCC August 21, 2025 email follow-up of August 13, 2025 site visit, HCC acknowledged a door fire deviation for Oven #39 which lasted over 15 minutes with an unknown duration due to HCC not including the August 13, 2025 deviation in the facility Third Quarter 2025 deviation report submittal:
  - (b) Requested action: Within 14 days of receipt of this letter, HCC shall submit a compliance plan to PLAA for the door fires which occurred on the P901 coke oven battery which outlines the root cause of the door fires and a steps planned to prevent a recurrence.
4. **ORC § 3704.05(C):** "No person who is the holder of a permit issued under division (F) or (G) of section 3704.03 of the Revised Code shall violate any of its terms or conditions."

**Permit Terms and Conditions:** Title V P0091350, terms C.6.e)(2)for emissions unit P002 Quench Tower to quench the coke produced from CD battery, requires: "the permittee shall submit deviation (excursion) reports that identify all periods of time during which the concentration of TDS of the quench water did not comply with the TDS requirements..." :

- (a) Per HCC's August 11, 2025 NOV response letter, HCC stated there was a TDS exceedance in July 2025 at Quench 2 for which HCC would be reporting in their Q3 deviation report. PLAA could find no record of this P002 Quench TDS deviation in the HCC Third Quarter deviation report.
- (b) Requested action: Within 14 days of receipt of this letter, HCC shall provide information as to why the P002 Quench TDS exceedance referenced above was not included in the Third Quarter 2025 deviation report. If HCC confirms the exceedance is indeed a valid exceedance as previously communicated to PLAA in the August 11, 2025 NOV response letter, HCC shall submit a revised Third Quarter 2025 deviation report which includes the July 2025 TDS exceedance.

### **Conclusion**

PLAA requests that HCC promptly undertake the necessary measures to return to compliance with Ohio's environmental laws and regulations. Within 14 days of receipt of this letter, please provide, to PLAA, the documentation requested above. If you have already resolved the violations listed above thank you, and please provide documentation supporting compliance. Documentation of steps taken to return to compliance includes written correspondence, updated policies, and photographs, as appropriate.

Failure to comply with Chapter 3704 of the Ohio Revised Code and rules promulgated thereunder may result in an administrative or civil penalty. If circumstances delay resolution of violations,

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Haverhill Coke Company is requested to submit written correspondence describing the steps that will be taken by date certain to attain compliance.

Please note that the submission of any requested information to respond to this letter does not constitute waiver of the Ohio EPA's authority to see administrative or civil penalties as provided in ORC 3704.06.

Thank you for your time and cooperation and if you have any questions, please do not hesitate to contact me by phone at (740) 353-5156 or by e-mail at [cindy.charles@epa.ohio.gov](mailto:cindy.charles@epa.ohio.gov).

Sincerely,



Cindy Charles  
Director  
Portsmouth Local Air Agency

cc: Josh Koch, DAPC/CO, Ohio EPA  
Zachary Peterson, DAPC/CO, Ohio EPA  
Brian Dickens, Region 5 U.S. EPA

