



**Environmental
Protection Agency**

John R. Kasich, Governor

Mary Taylor, Lt. Governor

Scott J. Nally, Director

December 23, 2011

CERTIFIED MAIL

Carmeuse Lime, Inc.
Grand River Operations
Attn: Mark Reider, Area Environmental Manager
15 Williams Street
Grand River, OH 44045

**Re: Director's Final Findings & Orders
Carmeuse Lime Engineered Fuel Waste Exemption**

Dear Sir or Madam:

Transmitted herewith are Final Findings & Orders of the Director concerning the matter indicated.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00, made payable to "Treasurer, State of Ohio". The Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
77 South High Street, 17th Floor
Columbus, OH 43215

Sincerely,

Brian Dearth
Processing and Records Management Unit
Division of Materials and Waste Management

Enclosure: Director's Final Findings & Orders

cc: Lynn Sowers, NEDO-DMWM

Lake County Health Department

2. Carmeuse Lime uses a mixture of an engineered fuel [consisting of 20 percent to 30 percent absorbents (sawdust, paper, cardboard), 5 percent to 20 percent shredded consumer products (shampoos, soaps, personal care goods), 5 percent to 10 percent latex, adhesive waste and washes, 10 percent to 20 percent oily debris, 10 percent to 20 percent banbury sludge, 10 percent to 20 percent resins, gels and polyols, 5 percent to 20 percent carbon black and 10 percent to 20 percent shredded plastics and paper goods] as an alternative fuel source for use in their two rotary kilns (Units P001 and P002) for research and development purposes for a period of 12 months at the Facility, pursuant to Director's Final Findings and Orders issued on November 19, 2010 and expiring not later than December 31, 2011.
3. On December 2, 2011, Carmeuse Lime submitted a request for Director's Exemption from solid waste requirements for the Facility's two rotary kilns (Units P001 and P002), in order to extend the research and development period.
4. Pursuant to ORC Section 3734.02(G) and OAC Rule 3745-27-03(B), the Director, by order, may exempt any person generating, collecting, storing, treating, disposing of, or transporting solid wastes in such quantities or under such circumstances that, in the determination of the Director, are unlikely to adversely affect the public health or safety or the environment from any requirement to obtain a permit or license or comply with other requirements of ORC Chapter 3734 and any rules adopted thereunder.
5. To the extent that the use of this alternative fuel source would require Carmeuse Lime to obtain a permit and license under ORC Chapter 3734 and the rules promulgated thereunder, or comply with OAC Chapter 3745-27 and 3745-37 pertaining to operation and final closure of a solid waste incinerator or solid waste energy recovery facility, the Director has determined that issuance of an exemption to Carmeuse Lime from those requirements so that Carmeuse Lime may use the alternative engineered fuel, as approved by Ohio EPA, is unlikely to adversely affect the public health or safety or the environment.

V. ORDERS

1. Pursuant to ORC Section 3734.02(G) and OAC Rule 3745-27-03(B), Carmeuse Lime is hereby exempted from the requirements of ORC Chapter 3734 and the rules promulgated thereunder to obtain a permit and license and comply with the requirements of OAC Chapter 3745-27 and 3745-37 pertaining to operation and final closure of a solid waste incinerator or solid waste energy recovery facility as these requirements pertain to Carmeuse Lime's plan to use an engineered fuel as an alternative fuel source at the Facility.
2. This exemption shall expire on December 31, 2012.

VI. OTHER CLAIMS

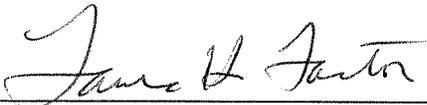
Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action, or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to, the Facility.

VII. 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 Carmeuse Lime or the Facility.

IT IS SO ORDERED:

Ohio Environmental Protection Agency



Scott J. Nally
Director