



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Rd.
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468
www.epa.state.oh.us

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

RE: Bailey-PVS Oxides Delta Inc.
0326000082
Fulton County
Notice of Violation (NOV)

March 29, 2007

CERTIFIED MAIL
7005 1160 0002 4566 2423

Mr. Joshua Belczyk
Bailey-PVS Oxides Delta Inc.
6191 County Road 10
Delta, OH 43515

Dear Mr. Belczyk:

The Division of Air Pollution Control/Northwest District Office (DAPC/NWDO) has recently received multiple citizen complaints alleging that excessive fugitive dust is being emitted from the above referenced facility. The complainants indicated that on numerous occasions red iron oxide, which is an end product of this acid reclamation plant, has been found on their property. In order to discuss these issues, a meeting was held on March 5, 2007 at the facility with company representatives, local officials and this writer. Based on those discussions and my observations during a walk-through of the plant, my findings are as follows:

1. Photographs provided by the complainants show red dust along a long stretch of County Road F immediately to the South and West of the facility. The material observed is consistent with the material processed at the plant. In addition, this writer observed significant amount of fugitive material on company grounds. Based on the photographs and my observations the day of the plant walk-through, DAPC/NWDO believes there is sufficient evidence that the red oxide material observed on private property is from fugitive emissions generated at the Bailey-PVS Oxides facility, and as such is contributing to a nuisance situation. This is in violation of the facility's Permit to Install (PTI) #03-10999, ORC section 3704.05, and OAC rule 3745-15-07 (A).
2. On the day of the meeting it was not possible to conduct a full compliance inspection of all emission units. Possible sources of fugitive dust emissions contributing to the nuisance determination include the truck load-out operation, plant roadways, the outside storage and other small miscellaneous operations associated with the bagging and storage. It will be necessary to evaluate each of these further as specified below.

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3. Company representatives indicated that there were several instances during the winter months when the hopper on the roaster froze, and this resulted in material falling onto the open ground. At this point in the process, the material is dry and will easily become airborne. DAPC/NWDO considers these multiple occurrences to be improper operation of this equipment and violations of PTI #03-10999 and ORC section 3704.05. In addition, the company's failure to report such malfunctions are violations of PTI #03-10999, ORC section 3704.05, and OAC rule 3745-15-06(B).
4. The company has installed and operated a truck load-out operation prior to obtaining a Permit to Install (PTI) and Permit to Operate (PTO). These are violations of OAC rule 3745-31-02(A) and OAC rule 3745-35-02(A). Although controlled by the baghouse which is part of emissions unit P001 (conveying milling and storage), it is a separate emissions unit. It is necessary to obtain permits for this process.
5. The company has installed and operated a calcining process prior to obtaining a PTI and PTO. These are violations of OAC rule 3745-31-02(A) and OAC rule 3745-35-02(A). Emissions calculations provided to this office on 2/26/07 show no rule exemption that would eliminate the need for permits.
6. On 06/02/05 this office received an application to administratively modify emissions unit P002 (acid reclamation plant). This modification will not be processed until stack testing is conducted as specified below.

The following actions need to be taken in order to for the company to eliminate the public nuisance situation and correct the violations cited above:

- The outside storage of the red oxide was uncovered. This material needs to be recovered immediately.
- The malfunction described in item #4 above was occurring the day of the walk through. It is not acceptable to allow piles of this material to lie on the ground and the company is required to immediately correct the problem.
- Please provide a production schedule so an inspection by a DAPC/NWDO representative can be arranged. Our representative will want to observe all of the above referenced fugitive dust processes in operation. It is our preference to conduct an unannounced inspection of the facility.
- Complete PTI and PTO application for the calcining process and for the truck load out need to be submitted by May 1, 2007 Please include a detailed description of each process.

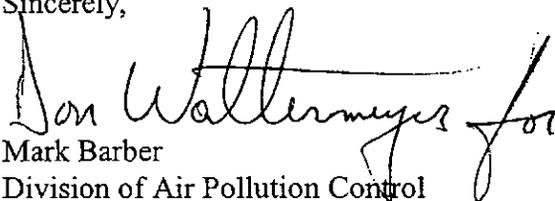
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- In accordance with the provisions of OAC rule 3745-15-06(B), the company is required to develop a preventative maintenance and malfunction abatement plan for each emissions unit at the facility. The proposed plan should be submitted by July 1, 2007 for our review and approval.
- Due to the time that has lapsed since the last performance test and in accordance with the provisions of OAC rule 3745-15-04, the company will need to conduct emissions testing for particulate matter, hydrogen chloride and chlorine on emissions unit P002. It will also be necessary to conduct emissions testing for particulate matter on the baghouses controlling emissions unit P001 and the truck load-out. An intent-to-test should be submitted by May 1, 2007. Testing should be coordinated with Wendy Ordway of this office at 419-373-3134. Please note that once these test results have been reviewed, it may be necessary to update permit applications for these processes as well.

A written response to this letter is requested by April 15, 2007. Please be advised that the submission of the requested information to respond to this letter does not constitute waiver of the Ohio EPA's authority to seek civil penalties pursuant to ORC section 3704.06. The Ohio EPA will make a decision on whether to pursue or decline to pursue such penalties regarding this matter at a later date.

Thank you for the courtesy extended during my visit. If the company has any questions and/or comments concerning this letter, please feel free to contact me at 419-373-3131 or at mark.barber@epa.state.oh.us.

Sincerely,


Mark Barber
Division of Air Pollution Control

/csl

pc: Lisa Holscher, U.S. EPA, Region 5
Tom Kalman, Ohio, EPA, DAPC-Central Office
Don Waltermeyer, Ohio EPA, DAPC-NWDO
Wendy Ordway, Ohio EPA, DAPC/NWDO
Wendy Miller, Ohio EPA, DHWM - NWDO
DAPC-NWDO file

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MR JOSHUA BELCZYK

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BAILEY-PVS OXIDES DELTA INC

Signature No. _____
 Article No. **6191** COUNTY RD 10
 City, State, Zip+4
DELTA OH 43515

PS Form 3800, June 2002 See Reverse for Instructions

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1. Article Addressed to:

MR JOSHUA BELCZYK §
 BAILEY-PVS OXIDES DELTA INC
 6191 COUNTY RD 10
 DELTA OH 43515

DAPC/Barber/csl

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