



State of Ohio Environmental Protection Agency

Northwest District Office

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

Re: Marion County
Marion Correctional Institute (MCI)
940 Marion-Willamsport Road
Marion, OH 43302
Premise #0351010182
High Priority Facility
Inspection letter
Notice of Violation

July 17, 2009

CERTIFIED MAIL

Mr. Donald Janes
Chief Engineer
Marion Correctional Institute
940 Marion-Willamsport Road
Marion, Ohio 43302

Dear Mr. Janes:

This letter shall serve as follow-up to the inspection conducted at the above-referenced facility on July 8, 2009. The reason for the inspection was to determine the compliance status of the emission units that are operating at the facility with the rules and regulation of the Division of Air Pollution Control (DAPC). Mr. Brian Riedmaier and I represented the Northwest District Office (NWDO) at this inspection.

Based on the discussions with you, our observations as well as a review of the company files, the findings of the inspection are summarized as follows:

1. MCI operates two identical boilers (identified as emission units B005 and B006) that are fueled by natural gas (number 2 fuel oil is stand-by). The facility was issued Notices of Registration on October 5, 1984 and Permits-to-Operate (PTOs) on January 17, 2007 for the boilers. Records have been reviewed and it appears that the facility is in violation of the reporting requirements of the PTOs.

The PTOs require that MCI submit deviation (excursion) reports for both boilers that detail the amount of hours operated and sulfur dioxide emissions while burning #2 fuel oil. As indicated during the inspection, MCI has not used #2 fuel oil in the past number of years. However, that does not relieve MCI from submitting a deviation report that states such. In addition, MCI is required to submit a deviation (excursion) report that identifies exceedances of the sulfur content restriction described in the PTO. Therefore, MCI is in violation of the reporting requirements outlined in the PTO as well as Ohio Revised Code (ORC) 3704.05. In order to rectify this matter, MCI is required to submit this information via the online system, eBusiness Center.

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2. It was discussed briefly during the inspection that MCI may qualify for a permit by rule (PBR) exemption as outlined on Ohio Administrative Code (OAC) rule 3745-31-03(A)(4)(j). However, both boilers are capable of burning natural gas and #2 fuel oil. In order to qualify for the PBR, the emissions unit can only be capable of burning natural gas. The PBR application can be found at Ohio EPA's website at <http://www.epa.state.oh.us/dapc/pbr/PBRBOILER.pdf>. For your convenience, it will be enclosed with this letter.
3. The current PTO lists MCI as a synthetic minor in order to avoid Title V. The reason for that is the emissions from the two boilers are limited to 62.55 tons of sulfur dioxide per year. The emissions are based on MCI operating both boilers a combined maximum of 8,760 hours per year while using #2 fuel oil. MCI would be able to qualify for a PBR and no longer be under a synthetic minor status if natural gas becomes the only fuel used in the boilers (and the boilers are only capable of burning this fuel).
4. MCI has been operating two identical generators (identified as emission units P001 and P002). Both of these emission units were issued a Permit-to-Install (PTI). Generator #2 (P001) was issued PTI #03-13891 on March 13, 2003, whereas Generator #1 (P002) was issued PTI #03-17154 on August 29, 2006. The facility requested an annual operating limitation of 800 hours in each of the generators. As discussed during the inspection, MCI may qualify for a PBR for each of these generators in accordance with OAC rule 3745-31-03(A)(4)(b). In order to qualify for this PBR, MCI may opt to operate these emergency generators no more than 500 hours per rolling-12 month period and comply with the requirements in OAC rule 3745-31-03(A)(4)(b)(i) and (ii). In that case, a PBR application would need to be submitted to NWDO. The application can be found at Ohio EPA's website at <http://www.epa.state.oh.us/dapc/pbr/PBRGENERATOR.pdf>. For your convenience, it will also be enclosed with this letter.
5. MCI has operated two spray booths that were installed in 1963. PTO applications were received on February 26, 2003. During the inspection, it was discovered that these emission units have been permanently shut down as of three months ago. It is advised that the facility update the operating status of these emission units in the online system by changing the operating status from operating to permanently shut down (along with an associated shut down date). If you have any questions on how to do this, please feel free to contact me.
6. A powder coat system was also witnessed during the inspection. Mr. Bob Shaw, Penal Workman Specialist, showed us the emissions unit and also provided the material safety data sheet of the powder coating employed. In a September 5, 1997 fax, Ohio EPA confirmed that this emissions unit is considered a de minimis emissions unit in accordance with OAC rule 3745-15-05.

Please submit the required information indicated above by no later than August 31, 2009. Please be advised that the submission of information to respond to this letter does not constitute a waiver of Ohio EPA's authority to seek civil penalties pursuant to ORC section 3704.06.

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The Ohio EPA will make a decision on whether to pursue or decline to pursue such penalties regarding this matter at a later date.

I would like to thank you for accommodating our inspection during your busy schedule. If you have any questions about this letter or are in need of any assistance, please do not hesitate to contact me directly at (419) 373-3118 or by electronic mail at mohammad.smidi@epa.state.oh.us.

Sincerely,



Mohammad Smidi
Environmental Specialist
Division of Air Pollution Control

/l/r

Enclosures: 2 PBR applications with instructions

pc: Don Waltermeyer, DAPC-NWDO
Lisa Holscher, US EPA Region V
Tom Kalman, DAPC-CO
DAPC-NWDO File
Certified Receipt Number 7007 2560 0000 4479 3015

ec: Andrea Moore, DAPC/NWDO
Brian Riedmaier, DAPC/NWDO
Samir Araj, DAPC/NWDO