



State of Ohio Environmental Protection Agency

Northwest District Office

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Chris Korleski, Director

January 12, 2010

CERTIFIED MAIL

Mr. Mark Roberts, Plant Manager
American Welding & Tank
721 Graham Drive
Fremont, Ohio 43420

Subject: Notice of Violation (NOV) for causing a public nuisance in violation of OAC rule 3745-15-07(A) at American Welding & Tank (0372030218) with response due by February 16, 2010.

Dear Mr. Roberts:

This letter shall serve as a notification of an ongoing violation of OAC rule 3745-15-07(A) by American Welding & Tank (AWT). The Ohio EPA, Division of Air Pollution Control (DAPC) has received numerous complaints of offensive odors coming from AWT from neighboring residents/commercial businesses and commuters driving by AWT on Route 20. In addition, the Fremont Fire Department (FFD) has been called out on several occasions by neighboring Woodbridge Corporation and passing motorists to investigate suspected propane/natural gas releases.

As a result of these investigations, the fire department has contacted the Northwest District Office (NWDO) on two separate occasions to see what can be done to resolve the odor complaints and limit its involvement. Both the FFD and NWDO believe the company's efforts, to date, to eliminate propane/ethyl mercaptan releases from its propane tank production and refurbishing operations have been insufficient and relatively ineffective. The releases of these air contaminants are causing a public nuisance.

The Ohio EPA has been receiving and investigating complaints about AWT's emissions for the past four years and has detected objectionable odors from the facility on many occasions. Odors from the facility were so frequent, at one point, that Woodbridge Corporation, located to the west of AWT, began keeping a log sheet of all incidents related to the odors. Woodbridge employees often got headaches from the odors and felt sick. Employees there were also evacuated on more than one occasion while the fire department went through the facility with a gas meter to make sure conditions were safe for workers.

Mr. Mark Roberts, Plant Manager
January 12, 2010
Page 2

Most recently, on December 2, 2009, the FFD was called out once again by Woodbridge Corporation to investigate an odor complaint. Upon arrival, it was discovered that an employee at AWT had spilled approximately a half gallon of ethyl mercaptan. Not only did this incident affect the production and employees at Woodbridge Corporation, the fire department also spent over three hours investigating the situation at Woodbridge and AWT, canvassing the surrounding area for odors and explaining the situation to people.

A large volume of calls were also received by the police department and Columbia Gas regarding this incident. Additionally, the smell of gas from the incident resulted in the evacuation of the Croghan School and the Kroger store on Fifth Street. The Kroger store closed down until the fire department explained that the odors were not due to a gas leak.

The company's efforts over the past couple of years to effectively address the odor issue have been minimal. Consequently, complaints continue in spite of the work practice changes that have occurred. During our most recent site visit on October 27, 2009, it was noticed that the most significant odors, at this time, came from the filling of a small, portable tank with ethyl mercaptan from a larger tank.

During this process, a Teflon-lined hose was run from the vapor side of the portable tank into a bottle of bleach. The displaced vapors are bubbled through the bleach. This was supposed to absorb any ethyl mercaptan vapors expelled and neutralize the odors. Based on our observation and that of the fire department, this "procedure" appears to be ineffective at controlling odors. The company was also totally unprepared to take immediate steps to minimize emissions when the spill of ethyl mercaptan occurred on December 2, 2009.

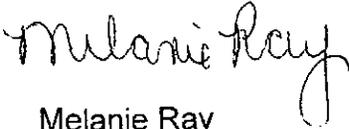
Based on the numerous complaints, our investigations and the involvement of the FFD, it has been determined that AWT is in violation of OAC rule 3745-15-07(A). The company must take immediate, substantive and effective steps to resolve this ongoing violation. As part of its compliance plan to resolve the violation, the company must submit an odor abatement plan which outlines the steps the facility will take to abate/control the odors. This plan is requested by no later than February 16, 2010.

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.

Mr. Mark Roberts, Plant Manager
January 12, 2010
Page 3

If the company has any questions and/or comments concerning this letter, please contact me at the above address or call (419) 373-4111.

Sincerely,



Melanie Ray
Division of Air Pollution Control

/llr

pc: Don Waltermeyer, DAPC, NWDO
Tom Kalman, DAPC-CO
Lisa Holscher, USEPA-Region V
DAPC-NWDO Correspondence file
NWDO Follow-up File
Mr. Ray Romero, Woodbridge Corporation
Mr. Aaron Rhoades, Fremont Fire Department
Certified Receipt Number 7007 2560 0000 4485 5263

ec: Brian Riedmaier, DAPC, NWDO

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Sent To	
Mr. MARK Roberts - American Building & TRAK	
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PS Form 3800, August 2006 See Reverse for Instructions