



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Road
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: Seneca County
MGQ Aggregates
Premise #0374020222
Inspection Letter
Notice of Violation

CERTIFIED MAIL
7007 2560 0000 4485 5669

August 11, 2009

Mr. Lynn Radabaugh
MGQ Aggregates
1525 West County Road 42
P.O. Box 130
Old Fort, Ohio 44861

Mr. Radabaugh,

This letter shall serve as a follow-up to the inspection conducted on July 15, 2009 at the above referenced facility by Mohammad Smidi and this writer. The purpose of the inspection was to determine the compliance status of all air contaminant sources located at the facility. Based on our discussions, our observations during the inspection and a review of the company's files, our findings are as follows:

1. The company is required to perform and record daily checks for visible fugitive particulate emissions from the roadways (emissions unit F001) and storage piles (emissions unit F002) per the requirements in Permit to Install (PTI) #03-17147 issued on 12/12/2006. It is also required to record the dates fugitive dust control measures are employed. Permits to Operate (PTO) for all these emissions unit were issued on 03/24/08 and have the same requirements.

These records were not available during the inspection. Based on our conversations, the company alleges it has performed the observations and employed control measures, when warranted, but has never recorded this information. For each emissions unit, the failure to perform and record these daily visible emissions observations, employ fugitive dust control measures and record the dates control measures were employed is a violation of the terms and conditions of its permit and Ohio Revised Code (ORC) rule 3704.05.

The NWDO requests that the permittee submit a copy of the visible emissions/control measures log sheet that will be used in the future to record this information. Also, please provide the date(s) the company corrected the violations and began the monitoring and recordkeeping for each emissions unit.

2. The company is required to perform and record daily checks for visible fugitive particulate emissions from the raw material handling (emissions unit F004), product load-out with telescoping chute (emissions unit F005) and product drying, screening, transferring/conveying (emissions unit P901) per the requirements in PTI #03-17307 issued on 02/28/2008. It is also required to take additional corrective action if visible emissions are not in compliance with permit restrictions. Permit to Install and Operate (PTIO) #P0104315, was issued for these units on 01/09/2009 with the same requirements

These records were not available during the inspection. Based on our conversations, the company alleges it is performing the requisite visible emissions checks, the visible emissions have always been in conformance with permit conditions, but has failed to ever record this information. Each failure to perform and record these daily visible emissions observations for each emissions unit is a violation of the terms and conditions of its permit and ORC rule 3704.05.

The NWDO requests that the permittee submit a copy of the visible emissions/control measures log sheet that will be used in the future to record this information. Also, please provide the date(s) the company corrected the violations and began the monitoring and recordkeeping for each emissions unit.

3. The company is required to have a certified Method 9 visible emissions observer measure and record three, six-minute averages of the opacity from the baghouse stack serving the limestone dryer covered by the permit for emissions unit P901 on a daily basis. These records are to be retained at the facility for a minimum of two years and were not available at the time of the inspection. Based on our conversations, the company alleges it is performing the Method 9 observations, there were never any exceedances of the 0% opacity limitation, but has never recorded this information.

The emissions from the product load-out, emissions unit P001, are vented to this same control device. The opacity observations/recording requirements for P901 satisfy the visible emission observation/recordkeeping requirements for this emissions unit. Therefore, failure to conduct and record the Method 9 observations for P901 are violations of the monitoring and recordkeeping requirements for both emissions units as specified in PTI #03-17307, PTIO #P0104315, 40 CFR Parts 60.11, 60.734 and 60.735 and ORC rule 3704.05.

A review of the Method 9 certification for MGQ's employee showed it was issued on 11/03/08 and was effective for 6 months. With its expiration in the beginning of May, 2009, the company is also in violation of this condition, as cited above. It needs to immediately have an employee certified or bring in a certified Method 9 observer to conduct these daily observations. Please provide a response on when this will occur.

The NWDO requests that the permittee submit a copy of the visible emissions/control measures log sheet that will be used in the future to record this information. Also, please provide the date(s) the company corrected the violations and began the monitoring and recordkeeping for each emissions unit.

4. The company is required to perform and record daily checks for visible particulate emissions from the stacks serving the dried product storage bins covered by the permit for emissions unit P901. These records were not available during the inspection. Based on our conversations, the company alleges it is performing the requisite visible emissions checks, the visible emissions have always been in conformance with permit conditions, but has failed to ever record this information.

Failure to perform and record the daily visible emission observations are violations of the monitoring and recordkeeping requirements of PTI #03-17307, PTIO #0104315 and ORC rule 3704.05. The NWDO requests that the permittee submit a copy of the visible emissions log sheet that will be used in the future to demonstrate compliance with the terms and conditions established in the above mentioned permit.

5. On the date of the inspection, Ohio EPA personnel performed Method 9 opacity observations on the emissions from the baghouse stack serving P001 and P901. Based on these observations, the company was operating the limestone dryer and the fines product loading operation in violation of the 0% opacity, as a six-minute average, limitation. These are violations of the visible emission limitations stated in PTIO #P0104315 and ORC 3704.05.

During the inspection, we determined that "modifications" have been made to the emissions units operated at this facility. A crusher has been added to the dryer product processing line covered under emissions unit P901. Installation of the crusher to the processing line subjects MGQ to complying with the requirements of 40 CFR Part 60, Subpart OOO. Failure to provide proper notification and obtain the proper permit modifications is a violation of OAC rule 3745-31-02, 40 CFR Part 60.7 and ORC 3704.05. At this point, the exact installation date of the crusher is unknown and will need to be provided to determine when the processing line became applicable to this rule.

The crushing unit was not operating due to a mechanical failure which occurred a few days prior to the inspection. As a result, the dried materials were being redirected to a temporary storage pile by way of a bypass pipe. This resulted in excessive fugitive emissions in excess of the permitted visible emission limitation for this unit, and is a violation of PTIO #P0104315 and ORC 3704.05.

6. On the date of the inspection, continuous visible fugitive emissions were observed from an airlock after a baghouse which is used to pneumatically convey materials to a storage bin. It was indicated that this baghouse is utilized for the control of fugitive emissions from various transfer points on several different emission units and that the airlock device had been failing for an indeterminate time. The air pollution control equipment was installed after issuance of the permit and after these units were first operated. It has never been accounted for in any application.

The excessive fugitive emissions is a violation of the terms and conditions of the permits and failure of the airlock is a malfunction that should have been reported in accordance with OAC rule 3745-15-06(B). The Ohio EPA was not aware of this malfunction prior to the inspection and the duration of the event is unknown at this time. This is a violation of OAC rule 3745-15-06(B) and ORC 3704.05.

The NWDO requests that the facility submit information regarding this malfunction in accordance with the requirements of OAC rule 3745-15-06(B). Additionally, the company must address the use of this control device in a permit modification application.

7. Emissions unit F002 (storage piles) is being operated by the company. Quarterly compliance reports have been submitted for this unit, but have indicated that this unit has not yet been installed. Here again, the company had no daily records as required by the permit. These are violations of the reporting requirements of PTI #03-17147, the PTO for this unit and ORC 3704.05. The NWDO requests that the facility provide the exact date the operation of the storage piles began.

Fugitive emissions from the piles were significant but, due to the length of the inspection, we did not have time to conduct a visible emissions evaluation.

8. A visible fugitive emission evaluation was not conducted from the unpaved roadways by Ohio EPA personnel at the time of the inspection for the reason noted above. However, based on the excessive fugitive emissions, it was clear that voluntary control measures, as proposed by the permittee, were not being utilized at sufficient frequencies to minimize fugitive particulate emissions from the source. There was no indication that water was applied on that day or records to indicate any previous watering of the roadways. These are violations of the terms and conditions of the PTO for the unpaved roadways and ORC 3704.05.
9. Based on our conversations during the compliance evaluation with you and Mr. Thomas, a definite initial start-up date of the dryer plant could not be provided. It was brought to our attention that drying operations began for approximately 45 days during the mid/end of the year in 2007. Continuous operations began during the middle of the year in 2008.

The company was required to notify the NWDO of the construction date for P901 no later than 30 days after such date. Additionally, the company was required to notify the NWDO of the actual start-up date within 15 days after such date. After reviewing the facility file, these notifications have never been submitted to the NWDO. These are violations of PTI #03-17307, 40 CFR Part 60.7 and ORC 3704.05.

The NWDO requests that the company provide the exact dates in question.

10. The facility is required to conduct emission testing for the baghouse serving emission unit P901, in accordance with the testing requirements of PTI #03-17307. The testing is required to be conducted within 60 days after achieving the maximum process weight rate, but not later than 180 days after initial start-up of the emission unit. To date, testing of this emissions unit has not been performed and is a violation of the testing requirements of PTI #03-17307, PTIO #P0104315, 40 CFR Parts 60.8 and 60.732 and ORC 3704.05.

The NWDO is requesting the company to provide an expeditious plan for this testing. During the inspection, it was indicated that a test is tentatively scheduled for September 15, 2009. It should be done sooner.

11. During the inspection, visible emission observations were taken from an egress point on the roof of the product (fines) storage bin that was emitting excessive fugitive dust. This egress point was not identified in the permit application that was submitted for emissions unit P901.

The information that was provided to the NWDO indicated that this storage silo is vented to the same baghouse unit that controls the dryer i.e., the baghouse stack is supposed to be the only emissions egress point.

As such, these emissions, which were in excess of the 0% opacity/no visible fugitive emissions restrictions, constitute a "malfunction" which was not reported. This is a violation of OAC rule 3745-15-06 and ORC 3704.05. The company is required to respond in accordance with the requirements in this rule and indicate when the emissions have been eliminated and how it was accomplished.

12. In MGQ's application for permitting this facility, it proposed to accept voluntary restrictions/control measures to reduce particulate emissions as a strategy to avoid the best available technology (BAT) requirements of OAC rule 3745-31-05. Ohio EPA incorporated these voluntary restrictions/control measures into the permits for each emissions unit. By doing so, the potential-to-emit (PTE) for each emissions unit was reduced to less than 10 TPY and BAT was avoided.

Based on our inspection, the company has failed to implement many of the control measures necessary to reduce the PTE for these emissions units. The following discrepancies were noted:

- a. Emissions unit P901 was to be contained within a building enclosure to reduce fugitive emissions. No building exists.
- b. The product loadout (F005) required the use of a partial enclosure and a telescopic chute. A partial closure has not been installed and a telescoping chute was not being utilized.
- c. Significant fugitive emissions were being emitted, as noted above, from roadways (F001) and storage piles (F002). There was no evidence of any fugitive dust control measure being employed and we question the moisture content of the stone specified in the application.
- d. As noted above, an additional baghouse was installed to reduce emissions but, only after the emissions units had been installed and began operation.

By these omissions, we believe the PTE for the emissions units at this facility, as installed and initially operated, exceeded the 10TPY and are subject to BAT. BAT was not installed. The company is in violation of the terms and conditions of its permits, OAC rule 3745-31-05 and ORC 3704.05.

The company must submit an application to administratively modify the permits and install/implement BAT control measures on each unit.

13. From the information that was gathered during the inspection, the company installed and began operating the emissions units contained in PTI #03-17307 prior to the issuance of the permit. These are violations of OAC rule 3745-31-02 and ORC 3704.05.
14. Based on this inspection, the emission exceedances observed and the total lack of any records being kept, Ohio EPA requests a detailed explanation on how the company determined the content and veracity of the compliance reports that have been submitted since the issuance of PTIs #03-17147 and #03-17307. All required quarterly, semiannual and annual reports submitted by the company's consultant, to date, indicate there have been no deviations from the terms and conditions of these permits. It is unclear how the company could even do the compliance reviews in the lack of any records.
15. The company indicated that the mineral extraction operations (F003) at this facility have not yet begun. The quarry is often referred to as "Liberty Quarry" and it is unknown what the future intentions are for the mineral extraction operations. The NWDO is requesting an update to the status of its operation. Although the quarry is not operating, the update should include what, if any, components of the operation have been completed.
16. Since the date of the inspection, the company provided an updated process flow diagram for NWDO's review. Therefore, the facility will not be required to submit another process flow diagram with the response to this letter as originally discussed at the inspection, unless additional changes are made.

The NWDO requests that MGQ submit a written response, along with any supporting documentation to the violations cited above by September 4, 2009. The written response must include a compliance plan the facility will follow with specific dates when compliance will be achieved. It must include the dates the modification application will be submitted and the compliance test performed. It should be noted that additional violations may be issued upon review of the information that is required to be submitted.

Please be advised that the submission of information to respond to this letter does not constitute waiver of the Ohio EPA's authority to seek civil penalties pursuant to Ohio Revised Code Section 3704.06. The Ohio EPA will make a decision whether to pursue such penalties regarding this matter at a later date.

Mr. Lynn Radabaugh
 August 11, 2009
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At this time, I would like to thank Mr. Thomas and you for the courtesy that was extended during the inspection. If you have any questions and/or comments about this letter, please feel free to contact me electronically at brian.riedmaier@epa.state.oh.us or by phone at (419) 373-3110.

Sincerely,



Brian Riedmaier
 Environmental Specialist
 Division of Air Pollution Control

/csl

ec: Andrea Odendahl, DAPC/NWDO
 Mohammad Smidi, DAPC/NWDO
 Samir Araj, DAPC/NWDO
 Mark Budge, DAPC/NWDO
 Tom Sattler, DAPC/NWDO
 Wendy Licht, DAPC/NWDO

pc: Don Waltermeyer, DAPC/NWDO
 Tom Kalman, DAPC/CO
 Lisa Holscher, US EPA Region V
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