



State of Ohio Environmental Protection Agency

Northwest District Office

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

Re: Seneca County
MGQ Aggregates, Inc.
Premise #0374950001
Inspection Letter
Notice of Violation – HPV, GC7

August 25, 2009

CERTIFIED MAIL

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

Mr. Radabaugh,

This letter shall serve as a follow-up to the inspection conducted on July 8, 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), storage piles (emissions unit F002) and portable aggregate processing plant (emissions unit F003) per the requirements in Permit to Install (PTI) #03-16112 issued on 09/23/2004. It is also required to record the dates fugitive dust control measures are employed.

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. As of this date, the Ohio EPA, Northwest District Office (NWDO) has not received any information regarding the visible emissions testing of F003, as required by 40 Code of Federal Regulations (CFR) Part 60, Subpart OOO.

Mr. Lynn Radabaugh
August 25, 2009
Page Two

The testing is required to be performed on all transfer points, screens and crushers associated with this unit. Additionally, the test was to be conducted within 90 days after the final issuance of PTI #03-16112.

Through our discussions during the inspection, it was inconclusive if this testing was ever performed. If testing was completed, the company is required to submit a written report to the NWDO of the results from the performance test to demonstrate compliance. If the testing was not conducted, the permittee is required to submit a timeframe as to when this testing will be performed and the results submitted to the NWDO. The testing shall be conducted in accordance with PTI #03-16112, 40 CFR Part 60.8 and 40 CFR Part 60.675.

These are violations of the reporting and testing requirements of PTI #03-16112, 40 CFR Part 60.676(f), 40 CFR Part 60.675(b) and ORC 3704.05.

3. The company is required to submit an annual report that identifies the amount of material processed through the feeder of emission unit F003, in tons/year. This report is to be submitted by January 31 each year and shall cover the previous calendar year. No reports have ever been submitted. These are violations of reporting requirements of PTI #03-16112 and ORC 3704.05. The company will be required to submit these annual reports for the calendar years from 2004 through 2008.

Since the emissions from this unit are established by the maximum hourly process weight rate and a maximum operating schedule of 8760 hours/year (not an annual throughput limitation), this requirement can be removed from the terms and conditions upon the issuance of a permit modification (which will be requested below). However, until the modification is issued, the company is required to continue submitting this annual report.

4. The company is required to demonstrate compliance with the fuel sulfur content operational restriction for both the 7.33 mmBtu/hr portable diesel (CAT 3508, emissions unit P001) and the 0.30 mmBtu/hr portable diesel (Perkins, emissions unit P003) engines by keeping records of the fuel supplier certification for each shipment of fuel being used in these units. The compliance status of these units could not be determined at the time of the inspection since this information was not available. At this point, these are violations of the monitoring and recordkeeping requirements of PTI #03-16112 and ORC 3704.05. The company indicated that this information is kept at another location and can be provided to the NWDO for review.

Mr. Lynn Radabaugh
August 25, 2009
Page Three

5. The company is required to maintain monthly records of the fuel usage for emission unit P001. The gallon usage records must also be kept on a rolling, 12-month basis. This information was not provided during the inspection and the company indicated that the fuel usage for this emission unit is maintained at another location. Although the fuel usage can be determined, the company indicated that the records are not kept on a rolling, 12-month basis. These are violations of the monitoring and recordkeeping requirements of PTI #03-16112 and ORC 3704.05.

The NWDO requests that the company provide the monthly and rolling, 12-month fuel usage records since the issuance of the permit.

6. The company is required to maintain monthly records of the nitrogen oxide (NOx) emissions for P001. The NOx emission records must be kept on a rolling, 12-month basis. This information also could not be provided during the inspection and the company indicated no rolling calculations are performed. These are violations of monitoring and recordkeeping requirements of PTI #03-16112 and ORC 3704.05.

The NWDO requests that the company provide the monthly and rolling, 12-month NOx emission records since the issuance of the permit.

7. From the inspection, it is evident that the company has been issued permits for processes that are not representative of current facility operations. Upon the final issuance of PTI #03-16112, a 3.01 mmBtu/hr portable diesel engine (CumminsN14-p, emissions unit P002) was permitted and has never been installed or operated by the facility. Additionally, the facility is currently permitted for three crushers as part of emission unit F003. Through our discussions, only two crushers are, or have ever been, operated at the facility. The NWDO requests that the facility submit a request for a permit modification that properly represents the aggregate processing line and remove the inappropriate crusher. This request should also include an updated process flow diagram for F003.
8. Based on this inspection 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 PTI #03-16112. 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.

The NWDO requests that MGQ submit a written response, along with any supporting documentation to the violations cited above by September 11, 2009. 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 25, 2009
 Page Four

At this time, I would like to thank Mr. Thomas 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

/lb

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Lynn Radabaugh
 42

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