



State of Ohio Environmental Protection Agency

Northwest District Office

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Bowling Green, OH 43402-9398

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www.epa.state.oh.us

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

Re: Seneca County  
MGQ Aggregates, Inc.  
Premise #0374000163  
**Inspection Letter**  
**Notice of Violation**

August 26, 2009

CERTIFIED MAIL

Mr. Lynn Radabaugh  
MGQ Aggregates, Inc.  
1525 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 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 F005), storage piles (emissions unit F004) and mineral extraction operations (emissions unit F003) per the requirements in Permit to Install (PTI) #03-17053 issued on 05/18/2006. It is also required to record the dates fugitive dust control measures are employed. Permits to Operate (PTO) for all these emissions units 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.

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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 550 ton/hour lime kiln feed processing plant (emissions unit F001) per the requirements in PTI #03-16190 issued on 07/28/2005. 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. 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 this emissions unit.

3. The company is required to perform and record daily checks for visible fugitive particulate emissions from the 1100 ton/hour aggregate processing plant (emissions unit F002) per the requirements in PTI #03-13486 issued on 05/31/2001. 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. 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.

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Also, please provide the date(s) the company corrected the violations and began the monitoring and recordkeeping for this emissions unit.

It should be noted that this emissions unit was originally permitted under a different MGQ premise number as F001. Following the issuance of the permit, this emissions unit was transferred to ownership under this facility along with the associated PTI. Since the emission unit ID of F001 already existed for this facility, the 1100 ton/hour aggregate processing line was given F002 under this premise number.

4. The company is required to maintain monthly records for the number of blasts and amount of material processed through emissions unit F003. The monthly recordkeeping requirements also include year-to-date totals for each of these processes.

These records were not available during the inspection and the company indicated no records were being maintained. Failure to maintain these monthly records are violations 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 blasting and material throughput 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 this emissions unit.

5. The company is required to maintain monthly records for the amount of material processed through emissions unit F002. The monthly recordkeeping requirements also include the year-to-date total.

These records were not available during the inspection and the company indicated no records were being maintained. Failure to maintain these monthly records are violations 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 material throughput 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 this emissions unit.

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6. The company is required to maintain monthly records for the amount of material processed through the aggregate rail loadout system (emissions unit F006) contained in PTI #03-13494 issued on 04/26/01. The monthly recordkeeping requirements also include the year-to-date total.

These records were not available during the inspection and the company indicated no records were being maintained. Failure to maintain these monthly records are violations 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 material throughput 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 this emissions unit.

It should be noted that this emissions unit was originally permitted under a different MGQ premise number as F001. Following the issuance of the permit, this emissions unit was transferred to ownership under this facility along with the associated PTI. Since the emission unit ID of F001 already existed for this facility, the aggregate rail loadout system was given F006 under this premise number.

7. During the inspection, three unpermitted portable screening units were observed. Although these units were not operating at the time of the inspection, it was indicated by the company that these units have operated and are intended to be operated again at the site. Failure to obtain a Permit to Install and Operate (PTIO) prior to the operation of an emissions unit is a violation of OAC rule 3745-31-02 and ORC 3704.05.

The NWDO requests that the company submit a permit application to address the portable emission units that the company will be operating. The company is also required to indicate if it is their intentions to have the three portable pieces of equipment travel to the same locations together, or to have the flexibility of moving these units individually.

8. As of this date, the Ohio EPA, NWDO, has not received any information regarding the visible emissions testing of emissions unit F002, as required by 40 Code of Federal Regulations (CFR) Part 60, Subpart OOO. 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 by the sixtieth day after reaching the maximum production rate, but not later than 180 days after initial startup.

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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 #03-13486, 40 CFR Part 60.8 and 40 CFR Part 60.675.

These are violations of the reporting and testing requirements of PTI #03-13486, 40 CFR Part 60.676(f), 40 CFR Part 60.675(b) and ORC 3704.05.

9. The NWDO does not have any record of the 2008, fourth quarter or annual deviation reports for this facility. Every other compliance report has been submitted and reviewed by our office. Failures to submit these reports are violations of the reporting requirements of the permits and ORC 3704.05.

The NWDO requests that the company submit the required reports for the emissions units at this facility.

10. On the date of the inspection, time did not allow for sufficient inspection of the aggregate processing lines, F001 and F002. The NWDO requests that the facility submit current process flow diagrams of both operations in order to determine whether the existing permits are still correct or permit modifications are necessary.
11. 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 PTIs #03-13486, #03-16190 and #03-17053. 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 18, 2009. The written response must include a compliance plan the facility will follow with specific dates when compliance will be achieved. 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.

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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](mailto:brian.riedmaier@epa.state.oh.us) or by phone at (419) 373-3110.

Sincerely,



Brian Riedmaier  
 Environmental Specialist

/lb

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