



State of Ohio Environmental Protection Agency

**Northwest District Office**

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

May 28, 2010

**CERTIFIED MAIL**

Mr. Larry Coburn, Director of Manufacturing NA  
MINTEQ International Inc.  
719 East High Street  
Bryan, Ohio 43506

Re: Notice of Violation (NOV/non-HPV) - Complaint investigation and facility inspection conducted on April 14, 2010, at MINTEQ International Inc. (MINTEQ) with response due by June 24, 2010.

Dear Mr. Coburn:

This letter shall serve as a follow-up to the complaint investigation and subsequent inspection of the above-referenced facility conducted on April 14, 2010, by Wendy Licht and myself. On April 7, 2010, the Ohio Environmental Protection Agency's (Ohio EPA) Northwest District Office (NWDO), Division of Air Pollution Control (DAPC) received a complaint regarding fugitive dust. The complaint stated that fugitive dust was generated when the facility loaded fine magnesia into open-top trucks via front-end loader. The complainant also stated that the dust ruined the clearcoat finish on his vehicles and affects his family's breathing.

Based on our discussion and my observations during the inspection, my findings are as follows:

1. Emissions unit F001: Magnesia transfer and storage- Magnesia that is received in emissions unit P002, 250 tph truck dump system, is transferred by a below-grade feeder to a bucket elevator that takes the material to the top of the magnesia warehouse building. From there, the magnesia is placed onto a shuttle conveyor that moves the material to one of several storage piles on the floor. Below-grade feeders move the magnesia onto underground conveyors that then transfer the material into the main building for further processing. This operation was issued a permit-to-operate (PTO) on January 23, 2008, and requires the use of a total building enclosure as best available control for fugitive particulate emissions.



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With regard to the April 7 complaint, it was stated that MINTEQ was loading open-top trucks with magnesia via front-end loader. Video taken by the complainant and observed by Ohio EPA showed an open-top trailer sitting outside of the enclosure with a front-end loader loading a white, powdery material. When the front-end loader dropped the material into the trailer, a considerable amount of fugitive particulate dust was released into the air and proceeded to leave plant property thereby affecting neighbors.

MINTEQ stated that the reason they were loading the trucks was because the material was wet, based on their process requirements, and could not be used. The facility loaded 16 trucks by front-end loader to send back to Pittsburgh for further drying over two days- April 6 and April 7, 2010. As a result, MINTEQ operated in violation of the PTO and ORC 3704.05 because transferring and loading are unpermitted operations and they took place outside of the building enclosure for this emissions unit.

During our visit for the complaint investigation we observed a buildup of material on the roof of the magnesia warehouse and a closed roll-up door for the magnesia warehouse with fugitive emissions coming from it. Visible emissions readings at the door in question were not taken during the inspection due to sun position. However, we did express concern over these fugitive emissions: whether they were continuous or happened with regular frequency and the potential impact they could have on the neighbors across the street due to their proximity. MINTEQ explained that they were examining the possibility of replacing the existing door with a new rubber door that would provide a better seal.

On May 11, 2010, I called you to ask a couple of clarifying questions regarding the operation of F001. We spoke of the process inside of the magnesia warehouse building, the fact that there are no baghouses for this operation and that employees are required to wear personal protective equipment. Approximately one hour after our conversation, I received a call from Wendy Licht stating that she drove by the MINTEQ facility and observed that the same door of concern was inoperable, about three feet off of the ground with two pallets leaning against the door with a one foot gap between the pallets. Ms. Licht stated that she believed no visible emissions were observed coming from the opening because it was raining at that time.

Ms. Licht proceeded to speak with you about the situation with the door and when the facility planned to have it fixed. You stated that the incident happened approximately one week prior and that the rubber door had been ordered but that it would still be another three weeks before the new door would arrive. When Ms. Licht asked why you did not discuss the damaged door during our earlier phone conversation, you simply stated, "She didn't ask." Failure to immediately notify this office of such a malfunction is a violation of OAC rule 3745-15-06(B) and ORC 3704.05. Additionally, since the malfunction continued for more than seventy-two hours, the company was required to provide a detailed written report to the director within two weeks of the date the malfunction occurred. To date, no written report has been received.

It should be noted that later that day I called and requested copies of the facility's visible observation logs starting with April 15, 2010. The log for May 6, 2010, notes that the north door on the MGO warehouse would not come down on May 4, 2010, and that a door repair company was called and installed an inside sweep and adjusted the guides.

Please be aware that it is MINTEQ's responsibility to comply with the requirements of OAC rule 3745-15-06 in the event that permit emission limitations are exceeded or permit terms and conditions cannot be followed.

During our April 14 visit to the facility, we expressed significant interest and concern about the fugitive emissions emanating from this particular door. It is disappointing that MINTEQ was not forthright with information regarding the damaged condition of the door during our phone conversation prior to Ms. Licht's unexpected visit on May 11.

As for PTO reporting requirements for F001, MINTEQ is to submit an annual report by January 31 of each year identifying whether there were any exceedances of the magnesia throughput restriction. A review of Ohio EPA's files indicates that this report was not submitted for calendar year 2009. The annual throughput was discussed during the inspection and it was determined that the operational restriction was not violated. At this time, Ohio EPA requests that MINTEQ submit an annual report for F001 to fulfill this reporting requirement.

2. Visible emission observation logs- As part of the inspection, we reviewed MINTEQ's weekly visible emission observation logs. This log contains information for the following emissions units:
  - a. F001;
  - b. P001- refractory mixing and packing;

- c. P002- magnesia truck dump;
- d. P004- magnesia crushing, conveying and screening;
- e. P007- mixing and packaging (Raymond Mill system); and
- f. P008- dolomite storage and batching system.

We were told during the inspection that MINTEQ only had visible emission logs through November 18, 2008, available for review. It was explained that the logs were taken home by an employee to be modified to add additional collectors. Copies of the missing logs were received on April 16, 2010, and do not note any visible emissions being observed.

3. P009- Magnesia crushing and screen circuit: At the time of our inspection, this emission unit was not installed. MINTEQ had contractors on-site who had opened the roof earlier in the day to facilitate the placement of equipment for this unit. The anticipated start date for this operation was May 2010.

All other sources appear to be in compliance with Ohio EPA's rules and regulations at this time.

Ohio EPA requests MINTEQ provide a response to this NOV, including a compliance plan and timeline for addressing fugitive emissions coming from the magnesia warehouse door. A detailed process flow diagram for F001 is also requested. The diagram should include information on any ventilation/air makeup system on the magnesia warehouse and whether it is under positive or negative pressure, especially with the door open. Additionally, facility needs to submit an annual throughput report for calendar year 2009 for this emissions unit. Finally, Ohio EPA requests calculations of the facility's actual and potential emissions. When calculating the potential to emit, MINTEQ will need to base its calculations on either the OAC rule 3745-17-11 allowable or uncontrolled mass rate emissions (UMRE) since emissions controlled by the baghouses cannot be used when determining the potential to emit for a facility. This information should be submitted no later than **June 24, 2010**.

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

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Thank you for accommodating our unannounced visit. If the company has any questions and/or comments concerning this letter, please contact me at the above address, by calling 419.373.4112, or electronically at [jennifer.jolliff@epa.state.oh.us](mailto:jennifer.jolliff@epa.state.oh.us).

Sincerely,

  
Jennifer L. Jolliff  
Division of Air Pollution Control

/llr

pc: Jeff Carlton, MINTEQ International Inc.  
Don Waltermeyer, NWDO, DAPC  
Tom Kalman, CO, DAPC  
Lisa Holscher, U.S. EPA Region V  
DAPC-NWDO File  
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ec: Jennifer Jolliff, NWDO, DAPC

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1. Article Addressed to: <i>MR. LARRY COBURN DIRECTOR OF MANUFACTURING NA MINTEQ INTERNATIONAL INC. 719 EAST NILEN STREET BRYAN, OHIO 43506</i>	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No
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