

# Air Pollution Control Division

## **Canton City Health Department**

420 Market Avenue North • Canton, Ohio • 44702-1544  
(330) 489-3385 • Fax: (330) 489-3335

**James M. Adams, R.S., MPH**  
Health Commissioner

**Daniel J. Aleman, P.E., MBA**  
APCD Administrator



APC Contractual Representative  
Serving All of Stark County

September 11, 2008

### **CERTIFIED MAIL**

Keith Kimble  
Kimble Clay & Limestone Transfer Station  
3596 State Route 39, NW  
Dover, OH 44622

**Re: Notice of Violation (NOV)  
Tub Grinder Operation at Kimble Clay & Limestone Transfer Station  
Facility ID #15 76 05 1735**

Dear Mr. Kimble:

On the morning of Wednesday, June 11, 2008, Maria Muhleman of Environmental Health and Melissa Steiner of the Office of Public Health Information (OPHI) from the Canton City Health Department (CCHD) were on site to perform the weekly inspection required by Kimble Clay & Limestone Transfer Station's (Kimble) operating license. During their inspection, Maria Muhleman and Melissa Steiner observed a Tub Grinder operating and wanted to get closer to investigate, but were denied access because they were not wearing the proper safety equipment. Inspectors Muhleman and Steiner returned to the CCHD office and reported that Kimble had a Tub Grinder operating on site and asked if Kimble was permitted to operate the Tub Grinder. After reviewing the Canton local air agency (Canton LAA) files and the permit data base STARS2, no permit was found for the Kimble Tub Grinder nor was there a notification letter in the files stating that the Tub Grinder was a portable unit. After this discovery, APC Staff Field Inspector Denny Tan was asked if he would accompany Inspector Muhleman to the Kimble facility to obtain more information about the Tub Grinder and take pictures of it.

When Inspectors Muhleman and Tan went back to the Kimble facility on the afternoon of June 11, 2008, they were still denied access to the Tub Grinder even though they were wearing the appropriate safety equipment. They were also told that they could not take any pictures because the Tub Grinder was proprietary equipment. Actually, the Tub Grinder was manufactured by Morbark and sold by the Environmental Machinery Company in Columbus, Ohio. Kimble only

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purchased the Tub Grinder. Inspector Tan did manage to take one picture of the Tub Grinder from a distance. Inspector Tan asked the Kimble facility manager, if Kimble had a permit to operate the Tub Grinder or if it was a De Minimus source. Inspector Tan was told Kimble's Dover office takes care of all the permits. Inspector Tan also asked the facility manager if he was keeping operating records for the Tub Grinder. The facility manager responded "No".

Also, while reviewing the Canton LAA files for the Kimble facility, it was discovered that several annual reports were missing, which is a violation of the reporting requirements in the Kimble air permit PTI 15-866 issued on October 27, 1993. Canton LAA received copies of the reports from 1994, 1995, 2003, 2004, and 2005 from the CCHD Environmental Health Division. However, the Canton LAA and CCHD Environmental Health Division are still missing the annual reports from 1998, 1999, and 2007. An email was sent to Mark Tondra (Kimble's Environmental Consultant) on July 21, 2008 requesting the missing reports. To date, Canton LAA has not received any of the missing reports. NOTE: Canton LAA received copies of the annual reports for 2003 and 2004 from CCHD Environmental Health Division on September 8, 2008 and Mr. Tondra was notified by email. Also, a deficiency was found in the annual reports for 2005 and 2006. The total amount of Recyclables is missing from each annual report.

**Kimble Clay & Limestone Transfer Station (Tub Grinder)**

**Finding #1:** **Tub Grinder Operating without a Permit** – On the afternoon of June 11, 2008, a representative of the Canton LAA witnessed a Tub Grinder in operation for which no permit to install and operate (PTIO) were applied for or obtained prior to installing and operating the Tub Grinder on site.

**Violation of:** **OAC 3745-31-02 (A) Permit-to-Install or PTIO**

(1) Except as provided in rule 3745-31-03 of the Administrative Code, no person shall cause, permit, or allow the:

(b) Installation or modification, and subsequent operation of any new source that is not part of a facility, as defined in Chapter 3745-77 of the Administrative Code, and that is not required to obtain a Title V permit under Chapter 3745-77 of the Administrative Code, without first obtaining a PTIO from the director; or .....

**Action #1:** *Canton LAA requests that Kimble cease all operations of the Tub Grinder until a PTIO is issued for the Tub Grinder and Canton LAA is notified.*

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NOTE: Kimble submitted a PTIO application for the Tub Grinder to be permitted as a portable source from the Southeast District Office (SEDO) of the Ohio EPA on September 4, 2008.

**Finding #2: Missing Annual Reports for 1998, 1999, and 2007 and Incomplete Annual Reports for 2005 and 2006 (Missing Recyclables)**

**Violation of: PTI#15-866 Permit to Install for Kimble Clay & Limestone Transfer Station**

**Additional Special Terms and Conditions**

**Source F002 – Material Handling**

7. No more than 468,000 tons of solid waste shall be handled in any calendar year at this facility. No more than 84,240 tons of recyclable material shall be handled in any calendar year at this facility. Daily records shall be maintained in a bound logbook of the weight of materials received, the weight of solid waste transferred out of the facility and the weight or volume of recycled materials transferred out of the facility. All of these records shall be made available for inspection by the Director or his representative during normal business hours and shall be maintained at the facility for not less than two years. If the above qualifications concerning these records can be met by the daily log of facility operations required under OAC 3745-27-23(U), then these records may be maintained in this daily log of facility operations.

This facility shall submit a copy of the annual report covering the previous calendar year required by OAC 3745-27-23(CC) to the Canton City Health Department, Air Pollution Control Division, 420 Market Avenue North, Canton, Ohio 44702 by the 15<sup>th</sup> of April of the current year. In addition, at the same time the copy of the annual report is submitted to the Canton City Health Department, Air Pollution Control Division, a summary of weights or volumes of recycled materials transferred out of the facility for the previous year shall be submitted to the Canton City Health Department, Air Pollution Control Division.

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**Action #2:** *Canton LAA requests that Kimble submit the 1997, 1998, 2007 annual reports along with the revised 2005 and 2006 annual reports to include the Recyclables within 30 days of receipt of this letter.*

NOTE: Canton LAA requests that Kimble submit all future annual reports by the 15<sup>th</sup> of April for the previous calendar year to be in compliance with the terms and conditions in PTI 15-866.

**Requested Actions and Compliance Milestones:**

**Completion Dates:**

- |  |   |
|--|---|
| 1. Kimble cease all operations with the Tub Grinder until a PTIO is issued for the Tub Grinder and Canton LAA is notified. | Upon receipt of this letter.              |
| 2. Kimble to submit all missing and incomplete annual reports as listed above.   | Within 30 days of receipt of this letter. |

**For your information, please note that representatives of the Canton LAA cannot be denied access to your facility and its equipment (e.g. Tub Grinder, etc) whether it is operating or not due to the following rule from the Ohio Revised Code:**

**ORC 3704.03 Director of environmental protection – powers and duties.**

The director of environmental protection may do any of the following:

(L) Through any employee, agent, or authorized representative of the director or the environmental protection agency, enter upon private or public property, including improvements thereon, at any reasonable time, to make inspections, take samples, conduct tests, and examine records or reports pertaining to any emission of air contaminants and any monitoring equipment or methods and to determine if there are any actual or potential emissions from such premises and, if so, to determine the sources, amounts, contents, and extent of those emissions, or to ascertain whether there is compliance with this chapter, any orders issued or rules adopted thereunder, or any other determination of the director. The director, at reasonable times, may have access to and copy any such records. If entry or inspection authorized by this division is refused, hindered, or thwarted, the director or the director's authorized representative may by affidavit apply for, and any judge of a court of record may issue, an appropriate inspection

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warrant necessary to achieve the purposes of this chapter within the court's territorial jurisdiction.

Acceptance by the Ohio EPA of the requested actions does not constitute a waiver of Ohio EPA's authority to seek civil penalties as provided in section 3704.06, Ohio Revised Code. The determination to pursue or to decline such penalties in this case will be made by the Ohio EPA at a later date.

This agency would appreciate your cooperation regarding the issues referenced in this letter. Should you have any questions concerning this letter, please contact this office at (330) 489-3385.

Sincerely,



Angela Glosser  
APC Engineer

enc: 1) OAC 3745-31-02  
2) ORC 3704.03  
3) PTI 15-866

cc: Tom Kalman, Ohio EPA, CO - DAPC  
Lisa Holscher, USEPA, Region V  
Rick Miller/ Maria Muhleman, Environmental Health CCHD  
Bruce Weinberg, Ohio EPA, SEDO

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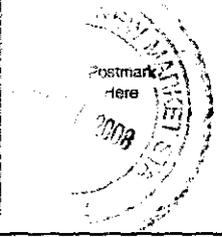
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**KEITH KIMBLE, KIMBLE CLAY & LIMESTONE**  
 Street, Aor. No.,  
**TRANSFER STATION**  
 or PO Box No. **3596 STATE ROUTE 39, NW**  
 City, State, ZIP+4  
**DOVER, OHIO 44622**

PS Form 3800, August 2006

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 KEITH KIMBLE  
 KIMBLE CLAY & LIMESTONE  
 TRANSFER STATION  
 3596 STATE ROUTE 39, NW  
 DOVER, OH 44622

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PS Form 3811, February 2004

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