



State of Ohio Environmental Protection Agency

Northwest District Office

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

Re: Franklin County
Anchor Recycling
Premise #0125044008
& #0125045001
Notice of Violation

May 19, 2010

CERTIFIED MAIL

Mr. Steven Legg
Anchor Recycling
477 Claycraft Road
Columbus, Ohio 43230

Dear Mr. Legg,

This letter shall serve as a follow-up to the site visit conducted on May 5, 2010, at 3601 Cardington Iberia Road, Galion, Ohio, by this writer. The purpose of the site visit was to determine the compliance status of all air contaminant sources at this location. Although accurate facility information could not be provided during the visit, it is clear that the emissions units from the above-referenced facilities were recently installed on site. Based on our discussions and my observations during the visit, my findings are as follows:

1. Anchor Recycling (AR) currently has two portable facilities permitted by the Division of Air Pollution Control (DAPC), Central District Office (CDO) for various emissions units. The emissions unit permitted under premise #0125044008 is a portable screen (emissions unit P001). The emissions units permitted under premise #01250450001 include; unpaved roads (emissions unit F001), storage piles (emissions unit F002) and portable crusher (emissions unit P001).

Since the date of the visit, Northwest District Office (NWDO) has gathered information from the company and CDO, indicating AR has not provided the proper Intent to Relocate (ITR) notification for these facilities, as required by Ohio Administrative Code (OAC) rule 3745-31-03(A)(1)(p) or OAC rule 3745-31-05(H). These rule citations specifically exempt AR from obtaining a new Permit to Install and Operate (PTIO) with each new relocation. Given that AR did not notify DAPC prior to the relocation, a PTIO is required. Failure to obtain a PTIO prior to installation of an air contaminant source is a violation of OAC rule 3745-31-02(A) and Ohio Revised Code (ORC) Section 3704.05.

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2. During the visit, you indicated that the crushing and screening operations were exempt from permitting under OAC rule 3745-31-03(A)(4)(d). This is not the case. In fact, these operations are currently permitted in PTIO's #P0103677 and #P0104015, issued November 20, 2008, which contain language, within the Miscellaneous Requirements, for properly notifying DAPC of any relocation.

The roadways and storage piles qualified for a General Permit, PTIO #P0103898, issued November 10, 2008. Although this permit does not specifically contain the relocation language, these units are considered a supporting emissions unit, as defined in Engineering Guide #44, and therefore are portable with the crusher. Although a separate notification, other than that of the crusher, is not necessary for these units, the relocation of the roadways and storage piles is assumed.

3. The descriptions of the portable crusher and portable screen, in their respective permits, indicate that these units are used to process concrete and asphalt materials and the portable crusher has a design capacity of 350 tons per hour. Since these types of materials meet the definition of a "Nonmetallic mineral" as defined in 40 Code of Federal Regulations (CFR) Part 60.671, the portable crusher is applicable to 40 CFR Part 60, Subpart OOO at all times, and the portable screen would be applicable to this regulation whenever it is placed within a production line containing a crushing unit applicable to this rule.

At this point, the initial date of startup and consequently, the applicability date of 40 CFR Part 60, Subpart OOO, is not known. Within this regulation, there are notification and testing requirements that must be met by a certain timeframe after beginning initial operation. Given that compliance with these requirements has not been demonstrated, these are violations of 40 CFR Part 60.4, 60.7, 60.8, 60.11, 60.672, 60.676 and ORC 3704.05.

In addition, it cannot be determined at this time if the company is meeting the appropriate monitoring requirements of 40 CFR Part 60.674. If not, these are violations of this regulation and ORC 3704.05.

In the response to this letter, the company will need to provide CDO with the initial startup date of the affected emissions units. Any further compliance issues with regards to 40 CFR Part 60, Subpart OOO will need to be addressed by CDO. The company will need to apply for permit modifications to correct the deficiencies.

The company is required to submit a written response to this letter to Stephanie Habinak, at CDO (while copying NWDO), by June 11, 2010. The response shall include the information requested in Item 3 above, along with the intentions of the company with regards to the future portability of each facility.

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If it is the intention of AR to relocate these emissions units in the future, NWDO requests that the company review the permit exemptions mentioned above and Engineering Guide #44 on the Ohio EPA website. As a response to this letter, AR is required to verify that the company has reviewed and understands the ITR notification requirements.

However, in the event that the company intends to leave these emissions units at the Galion location as stationary sources, the company is required to submit a complete PTIO application to NWDO.

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 ORC Section 3704.06. The Ohio EPA will make a decision whether to pursue such penalties regarding this matter at a later date.

At this time, I would like to thank you for the courtesy that was extended during the site visit. 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
Division of Air Pollution Control

/lb

pc: Tom Kalman, DAPC-CO
Lisa Holscher, US EPA Region V
DAPC-NWDO, Marion County General File
DAPC-CDO File
7006 0100 0004 1318 3804

ec: Don Waltermeyer, DAPC-NWDO
Erin Shalabe, DAPC-NWDO
Stephanie Habinak, DAPC-CDO

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*Mr. Steven Legg
1111 Galion Rd
Galion, OH 44829*

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