



State of Ohio Environmental Protection Agency

**Southeast District Office**

2195 Front Street  
Logan, Ohio 43138

TELE: (740) 385-8501 FAX: (740) 385-6490  
www.epa.state.oh.us

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

August 31, 2010

Re: Washington County  
Hadley Funeral Home  
Facility ID # 0684020227  
Compliance Inspection  
Notice of Violation  
**Certified: 70101060000178960064**

Mr. John Hadley  
Hadley Funeral Homes, Inc.  
500 Fifth St.  
Marietta, Ohio 44601

**Subject: Violations of monitoring, recordkeeping, and reporting requirements.**

Dear Mr. Hadley:

On August 25, 2010, I performed an inspection of Hadley Funeral Home in Marietta, Ohio. The inspection was conducted to determine the facility's compliance with State and federal air pollution rules and regulations.

While at the facility, I met with you as the owner/operator of the Home, and I reviewed records and performed a visual inspection of the facility.

The facility's permitted emissions unit is a crematorium (N001) with a rated capacity of 150 pounds per hour. A Permit-to-Install (PTI) 06-07972 was issued for the emissions unit on December 27, 2005. A permit-to-operate application was received by our Agency on October 13, 2005 and is currently pending processing. The purpose of the inspection is to ensure that the facility is complying with the current permit terms and conditions prior to processing and issuing the facility's permit-to-operate.

Based on my inspection, file review, and reports submitted by Hadley Funeral Home, the following violations have been discovered:

**Failure to operate and maintain a continuous temperature monitor and recorder for the secondary combustion chamber**

PTI 06-07972, Permit Terms Part II.A.2.C.1 and 2 state that the facility is required to "*operate and maintain a continuous temperature monitor and recorder for the secondary combustion chamber operated and maintained in accordance with the manufacture's recommendations, instructions, and applicable operating manual(s)*", and "*maintain copies of the records of the secondary combustion chamber temperature at the facility for a period of least five years. Those records should be made available for Ohio EPA or their representative to review during normal working hours.*"

During my inspection of the facility, it was determined that the facility was not keeping continuous temperature records for the crematorium. Although the unit is equipped with a dial graph recorder, the recorder was not operating and no paper was in the recorder.

Therefore, the facility is in violation of PTI 06-07972 Permit Terms Part II.A.2.C.1. and 2.

**Failure to maintain required maintenance logs**

PTI 06-0792, Permit Term Part II.A.2.B 6 states that the facility "*shall inspect this incinerator semi-annually using preventative maintenance procedures recommended by the equipment manufacturer. Each inspection shall include a written log which documents the findings of the inspection and identified any needed repairs to the unit. If repairs are needed, the incinerator shall not be operated if the operation would result in any exceedance of the emission limits detailed in this permit.*"

You had indicated to me during the inspection that the facility does have maintenance performed on the incinerator on a semi-annual basis; however, the facility had no record or reports confirming the findings of these maintenance events. Therefore, the facility is in violation of PTI 06-07972 Permit Term Part II.A.2.B.6.

**Failure to submit complete and accurate required deviation reports**

PTI 06-0792, Part I.A.2.b. of the General Terms and Conditions of the permit states the following:

*"Except as otherwise may be provided in the terms and conditions for a specific emissions unit, quarterly written reports of (a) any deviations (excursions) from emission limitations, operational restrictions, and control device operating parameter limitations that have been detected by the testing, monitoring, and recordkeeping requirements specified in this permit, (b) the probable cause of such deviations, and (c) any corrective actions or preventive measures which have been or will be taken, shall be submitted to the appropriate Ohio EPA District Office or local air agency. If no deviations occurred during a calendar quarter, the permittee shall submit a quarterly report, which states that no deviations occurred during that quarter. The reports shall be submitted quarterly, i.e., by January 31, April 30, July 31, and October 31 of each year and shall cover the previous calendar quarters (These quarterly reports shall exclude deviations resulting from malfunctions reported in accordance with OAC rule 3745-15-06.)"*

Upon review of our records, the facility has failed to submit the 1<sup>st</sup> quarter and 2<sup>nd</sup> quarter deviation reports for calendar year 2010.

In addition, the reports that have been submitted to the Agency since 2006 indicate that no deviations had occurred from the emission limitations, operational restrictions, and control device operating parameter limitations outlined in the PTI. However, it was determined during the inspection that the facility has had ongoing deviations of the PTI requirements. Therefore, the past deviation reports submitted to the Agency are incorrect and need to be resubmitted, reflecting the deviations from the permit terms.

**Within 30 days of receipt of this letter, Hadley Funeral Home shall submit a plan and schedule to return the facility to compliance. The plan should include a time line for completing corrective actions and specify the corrective actions taken. In addition, please submit the missing quarterly deviation reports (1<sup>st</sup> and 2<sup>nd</sup> quarters of 2010) and the revised past deviation reports that incorporate the deviations of the PTI requirements.**

Acceptance by the Ohio EPA of a schedule for compliance does not constitute a waiver of the

Mr. John Hadley  
Hadley Funeral Homes, Inc.  
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Acceptance by the Ohio EPA of a schedule for compliance does not constitute a waiver of the Ohio EPA's authority to seek civil penalties (up to \$25,000 per day per violation) as provided in section 3704.06 of the Ohio Revised Code. The determination to pursue or decline to pursue such penalties in this case will be made by the Ohio EPA at a later date.

It should be noted that many of the above violations had been observed during prior visits to the facility and have been discussed with you and other facility representatives. For instance, on February 2, 2006, a site visit was conducted in which I observed that none of the required recordkeeping was being performed. At that time, I discussed the required recordkeeping with you. During the June 29, 2006 emission tests, an Ohio EPA representative discussed with facility personnel the requirement to keep records and maintain a continuous temperature monitor and recorder. This was not being done during the time of the tests. In a letter dated August 27, 2007, the Agency notified your facility that the required deviation reports had not been submitted from the time that the PTI had been issued.

Please be aware that your facility is responsible for complying with the terms and conditions outlined in the permit. If you have any questions or concerns about the emission limitations, monitoring, record keeping, and reporting requirements that the facility is responsible to maintain, I encourage you to work with me or to contact Ralph Witte, with Ohio EPA's Small Business Compliance Assistance at (740)380-5241. Ohio EPA provides small business compliance assistance to help small businesses understand and comply with environmental regulations. The service is free, non-regulatory, and available to small businesses with fewer than 100 employees.

If you are unable to respond to any part of the above request, within the time frame discussed above, please inform us and explain so that we may be of assistance. Should you have any questions, feel free to contact me at (740) 380-5223 or email [christina.wieg@epa.state.oh.us](mailto:christina.wieg@epa.state.oh.us). The assistance provided during the inspection was appreciated.

Sincerely,



Christina Wieg  
Environmental Specialist III  
Division of Air Pollution Control  
Southeast District Office

CW/mlm

Enclosures

cc: Bruce Weinberg, DAPC, SEDO  
Ralph Witte, OCAP, SEDO  
Tom Kalman, DAPC, SEDO  
Lisa Holscher, U.S. EPA, Region V



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

September 24, 2010

Re: Washington County  
Hadley Funeral Home  
Facility ID # 0684020227  
**Certified: 70101060000178960255**

Mr. John Hadley  
Hadley Funeral Homes, Inc.  
500 Fifth St.  
Marietta, Ohio 44601

**Subject: Response to Submitted Compliance Plan and Schedule dated September 8, 2010**

Dear Mr. Hadley:

On August 25, 2010, I performed an inspection of Hadley Funeral Home in Marietta, Ohio. In a letter dated August 31, 2010, I notified you of several violations of monitoring, recordkeeping, and reporting required by Permit-to-Install (PTI) 06-07972 issued to your facility on December 27, 2005 for the 150 pounds per hour human crematorium (Emissions Unit N001). In the letter, I requested that Hadley Funeral Homes, Inc. submit a plan and schedule to return the facility to compliance.

On September 10, 2010, I received the requested compliance plan from you. This letter serves as a response to the content of your letter:

**Failure to operate and maintain a continuous temperature monitor and recorder for the secondary combustion chamber and required maintenance logs**

During my inspection of the facility, it was determined that the facility was not keeping continuous temperature records for the crematorium. Therefore, the facility is in violation of PTI 06-07972 Permit Terms Part II.A.2.C.1. and 2. In addition, the facility had no record or reports confirming the findings of the required semi-annual maintenance events. Therefore, the facility is in violation of PTI 06-07972 Permit Term Part II.A.2.B.6.

In your letter, you indicated that Facultatieve Technologies of Medina, OH inspected and serviced the unit on August 26, 2010. You stated that the crematorium can now monitor and record information on temperature and will keep the records with the cremation report(s) for that day. In addition, you stated that this company will conduct maintenance on the unit on a semi-annual basis.

Ohio EPA accepts this portion of your submitted compliance plan and schedule.

**Failure to submit complete and accurate required deviation reports**

Upon review of our records, the facility has failed to submit 1<sup>st</sup> quarter and 2<sup>nd</sup> quarter 2010 deviation reports.

Mr. John Hadley  
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In addition, the reports that have been submitted to the agency from 2006 till present indicate that no deviations had occurred from the emission limitations, operation restrictions, and control device operating parameter limitations outlined in the PTI. However, it was determined during the inspection that the facility has deviated from operational restrictions.

In my Notice of Violation letter dated August 31, 2010, I requested that you submit the missing quarterly reports and the revised past quarterly reports within 30 days of receiving this letter.

In your response letter, you acknowledge that you had failed to submit the required deviation reports for 1<sup>st</sup> and 2<sup>nd</sup> quarter 2010 and enclosed them for review. However, the submitted 1<sup>st</sup> and 2<sup>nd</sup> quarter 2010 deviation reports enclosed did not indicate any deviations. It is clear that deviations from the operational restrictions and control device operating parameter limitations have occurred. For instance, the permit requires that the permittee inspect the incinerator semi-annually and include a written log which documents the findings of the inspection and identifies any needed repairs to the unit (PTI Term Part II.B.6). The facility has failed to keep such required written logs and; therefore, needs to report such deviations from operation restrictions on your quarterly reports.

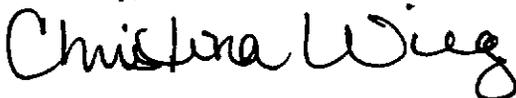
In addition, the inspection letter requested that the facility submit revised past quarterly reports that indicate the deviations from operational restrictions and control device operating parameters. The facility has failed to complete this request to date.

**Within 15 days of receipt of this letter, Hadley Funeral Home shall submit the requested revised deviation reports from 2006 till present.**

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

If you are unable to respond to any part of the above request, within the time frame discussed above, please inform us and explain so that we may be of assistance. Should you have any questions, feel free to contact me at (740) 380-5223 or email [christina.wieg@epa.state.oh.us](mailto:christina.wieg@epa.state.oh.us).

Sincerely,



Christina Wieg  
Environmental Specialist III  
Division of Air Pollution Control  
Southeast District Office

CW/mlm

cc: Bruce Weinberg, DAPC/SEDO