



State of Ohio Environmental Protection Agency

**Southeast District Office**

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

March 3, 2010

RE: Washington County  
LWR Enterprises  
Facility ID: 0684000206  
Warning Letter

**Certified: 70073020000178849316**

Mr. Alan Porter  
President  
LWR Enterprises  
PO BOX 245  
Waterford, Ohio 45786

**SUBJECT: Warning Letter - Failure to Install Control Equipment**

Dear Mr. Porter:

This letter is a follow-up to a site visit conducted by Christina Wieg and me on January 28, 2010, concerning the status of the installation of control equipment per the requirements of PTIO P0103908 issued on November 5, 2008, for the briquetting operation (P903) and PTIO 06-08376 issued on November 3, 2008, for the crushing and screening operation (P902) and stockpiles (F005).

**Failure to Install Control Equipment**

As noted during our conversation, no baghouse had been installed to control P902 and P903, as required by the above-mentioned permits. Since the emission units have been installed and have operated already without controls, no permit extension can be issued. Your permits will expire on May 5, 2010 and May 3, 2010, respectively.

You stated during our visit that you have operated the briquetting emission unit in the past year. Operating the emission unit without proper controls is a violation of the Best Available Technology (BAT) determination made in PTIO P0103908 and Ohio Administrative Code (OAC) rule 3745-31-05(A)(3). Please note that further operation of the briquetting emissions unit or operation of the crushing and screening emission unit without installation of the baghouse will result in these violations being referred to the Division of Air Pollution Control's Central Office Enforcement Group for further action. Please provide a list of dates that the briquetting operation and the crushing and screening operation have operated since November 3, 2008.

You also stated that you are currently in discussions with Marietta Industrial Enterprises, Inc. (MIE) to purchase a baghouse from them. If you have purchased or are under contract to receive a baghouse from MIE or any other entity, please provide evidence of this by the date established below.

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In addition, the control described for unloading into stockpiles (a three-sided enclosure with a front curtain) was not observed during our site visit. If this control has been installed, please provide a date of construction for the three sided enclosure. In addition, please provide a list of dates that raw materials were unloaded from trucks at your facility since November 3, 2008.

Please provide the above-requested information and a plan and schedule for returning to compliance to this office by **March 31, 2010**.

### **Selling Emission Units**

During our site visit, you mentioned that you are considering selling the briquetting and crushing and screening equipment. Permits cannot be transferred if the equipment is leaving your property and being installed at another site. If the equipment is sold and moved off site, please notify me of the sale and the date that the emissions units were dismantled so that they can be shutdown in our system.

Acceptance by the Ohio EPA of a schedule for compliance and requested information 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 this 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) 380-5299.

Sincerely,



Ms. Michael Carper  
Environmental Specialist II  
Division of Air Pollution Control

MC/mlm

cc: Bruce Weinberg