

**Environmental  
Protection Agency**

John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Scott J. Nally, Director

April 14, 2011

Re: Washington County  
Marietta Industrial Enterprise  
Facility ID # 06-84-00-0148  
Notice of Violation  
HPVs GC 7 and 9  
**Certified: 70022030000298638444**

Scott Elliott  
Marietta Industrial Enterprise  
17943 State Route 7  
Marietta, Ohio 45750

**Subject: Notification of Violations observed during March 30, 2011 site visit**

Dear Mr. Elliott:

On March 30, 2011, I performed a site visit of Marietta Industrial Enterprise (M.I.E.) in Marietta, Ohio. The site visit was conducted to determine the facility's compliance with State and federal air pollution rules and regulations. During the site visit, I met with M.I.E. representative Mike Holland.

Based on my inspection, the following violations/issues have been discovered:

**Failure to receive a permit prior to modifying and operating a source**

Upon inspection of the #1 Crushing and Sizing Line (Emissions Unit P901), it was determined that a heating source has been installed and operated on one of the conveyors for the purpose of drying material processed on P901. The original permit-to-install application did not include heat processing as part of the emissions unit. The modification and operation of an emissions unit prior to receiving a permit-to-install for the modified source is a violation of Ohio Administrative Code (OAC) 3745-31-02(A). At this time, I am requesting the following:

- the date the modification occurred;
- the purpose of the modification;
- the specific dates in which the facility operated the modified source; and
- the submittal of a Chapter 31 modification application to address the changes to P901 and a modified Title V Operating Permit renewal application including the changes to P901.

Please submit the above-requested information within 30 days of receiving this letter.

### **Failure to maintain required monitoring records**

During the March 30, 2011 site visit, I reviewed select monitoring records for March 2011. The following violations of permit terms and conditions were observed:

- The presence or absence of visible emissions from P901 were not logged as required by PTI P0105895 Permit Terms C. 1.d) (1) and (2) and Title V Operating Permit Terms Part III. A. III.2. and 3. for March 1 through 4 and March 7 and 8, 2011. In addition, the Title V Operating Permit Term Part III. A. III. 5. requires the facility to maintain daily records of the hours of operation for P901 and the pressure drop across the baghouse(s) servicing P901. There were no operating hours logged for March 1, 2011, and no pressure drop recorded for March 2, 2011.
- The presence or absence of visible emissions for #1 Rotex (Emissions Unit P012) was not logged as required by Title V Operating Permit Terms Part III. A. III. 1. and 2. for March 1 through 4, March 7 through 11, March 15 through 17, and March 21 and 22, 2011.
- The presence or absence of visible emissions for #2 Crushing and Screening System (Emissions Unit P904) was not logged as required by the Title V Operating Permit Terms Part III. A. III.2. and 3. for March 1 through 4, March 7 through 11, March 14 through 18, and March 21 and 22, 2011.

### **Request to assess permit needs for crushing and screening operation**

In the September 15, 2010 Title V Full Compliance inspection letter, I requested potential-to-emit calculations for the crushing and sorting of the anodes using the front-end loader bucket and the screening unit (M.I.E. refers to it as a griddle). I have not received these requested calculations, and during the site visit it was noted that these emissions units are still present at the facility. Please provide the requested calculations within 30 days of receiving this letter.

### **Roadway and parking area fugitive issues**

It was determined during the site visit that the facility has removed the concrete barriers that were put in place to assist in limiting drag out of material from the M.I.E. property to County Road 10. Mr. Holland explained that the barriers were removed to assist in snow removal during the winter months and should be returned to their positions soon.

Though the installation of the barriers is a voluntary action of M.I.E. at this time, OEPA has attempted to work with M.I.E on ways to minimize and eliminate the fugitive emissions associated with the roadways and the impact on public roadways. Please indicate if the barriers will be removed every winter, what the time line is for the barriers return, and what activities and/or procedures can be implemented to minimize or

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Marietta Industrial Enterprise  
April 14, 2011  
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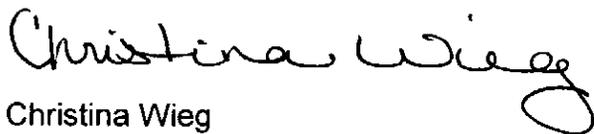
eliminate facility dragout when the barriers are not in use. OEPA is also requesting an update of M.I.E. plan to address the roadway issues both on and off the property as discussed in prior meetings.

**Within 30 days of receipt of this letter, M.I.E. 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.**

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. Each of the above violations can carry a maximum fine of \$25,000.00 per offense per day. 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). The assistance provided during and after the site visit was greatly appreciated.

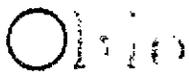
Sincerely,



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

CW/mlm

cc: Tom Kalman, DAPC/CO  
William McDonald, U.S. EPA/Region V  
Bruce Weinberg, DAPC/SEDO  
Sarah T. Bloom, Attorney General's Office



**Environmental  
Protection Agency**

John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Scott J. Nally, Director

October 4, 2011

Re: Washington County  
Marietta Industrial Enterprise  
Facility ID # 06-84-00-0148  
**Certified: 70101060000178963232**

Scott Elliott  
Marietta Industrial Enterprise  
17943 State Route 7  
Marietta, Ohio 45750

**Subject: Follow up to Notice of Violation dated April 14, 2011**

Dear Mr. Elliott:

On March 30, 2011, I performed a site visit of Marietta Industrial Enterprise (M.I.E.) in Marietta, Ohio. You were notified of the findings of that site visit in a letter dated April 14, 2011 in which I asked for additional information concerning issues identified during the site visit. I received the requested response from you via email on May 6, 2011. In response to your May 6, 2011 email, I requested additional information on May 19, 2011 for further clarification and received this information on June 22, 2011 and July 28, 2011. This email serves as a follow up to the original Notice of Violation dated April 14, 2011.

**Failure to receive a permit prior to modifying and operating a source**

Upon inspection of the #1 Crushing and Sizing Line (Emissions Unit P901), it was determined that a heating source had been installed and operated on one of the conveyors for the purpose of drying material processed on P901. The original permit-to-install (PTI) application did not include heat processing as part of the emissions unit. The modification and operation of an emissions unit prior to receiving a PTI is a violation of Ohio Administrative Code (OAC) 3745-31-02(A). You were notified of this violation in my letter dated April 14, 2011. At that time, I requested the following information:

- the date the modification occurred;
- the purpose of the modification;
- the specific dates in which the facility operated the modified source; and
- the submittal of a Chapter 31 modification application to address the changes to P901 and a modified Title V Operating Permit renewal application including the changes to P901.

In your responses, you indicated that the heating source was installed in December of 2010 and was being used to remove moisture from the processing of carbon on the P901 crushing and sizing line. Without this heat source, the carbon was freezing to the conveyor Auger which was intended to feed the carbon into the crusher. The heating source was operated during the month of December 2010 and part of January 2011 on certain days. The heating source has since been removed from the P901 emissions unit. In your responses you stated that you did not believe that the heat source had sufficient emissions to achieve the minimum emissions to quality as a source and was a "stand-alone unit" and; therefore, the original NOV was not warranted.

As conveyed in prior correspondence to you, in order for a unit to be modified it must meet the following definition in OAC rule 3745-31-01:

(QQQ) "Modify" or "modification" means:

(1) Any physical change in, or change in the method of operation of:

(a) Any air contaminant source that:

- (i) Results in an increase in the allowable emissions; or
- (ii) Results in an increase in emissions of greater than the de minimis levels in rule 3745-15-05 of the Administrative Code of any type of air contaminant not previously emitted; or
- (iii) Results in the relocation of the air contaminant source to a new facility, including, but no limited to, the movement of any existing air contaminant source from another state, county, or other geographic location; or
- (iv) Is otherwise defined as a major modification, or is defined as a modification under applicable regulations promulgated by the administrator of the United States environmental protection agency regarding new source performance standards or national emission standards for hazardous pollutants, or is either a new source or a reconstruction under applicable rules promulgated by the administrator under Section 112 of the Clean Air Act.

Since the permitted allowable for this source did not take into account the particulate emissions (PE) associated with the newly installed heating source on P901 and the current permitted allowable is 26.49 tons per year of fugitive PE, the change to the emissions units meets the definition of modification per OAC rule 3745-31-01(QQQ) (1) (a) (i) taking into account the additional PE associated with the burner/heater alone. The facility did not submit a potential-to-emit (PTE) calculation based on the other criteria pollutants as requested and stated that "no one can calculate the PTE for this unit, since we have no idea what the potential throughput of natural gas would have been through the make-shift burner."

I maintain my decision that the burner/heater is not a "stand alone" emissions unit. From both speaking to MIE employees as well as viewing the burner/heater myself, it was clear that the unit was physically attached to the emissions unit and the sole purpose of the burner/heater was to assist in the processing of the material on P901 by reheating/drying the material on P901 conveyors before entering the rest of the P901 crushing/screening line to be further processed. In addition, from speaking to employees and from viewing the operation, the heating sources sole purpose was not to warm the building or to be used for workers' warmth. Therefore, I maintain that the facility violated OAC rule 3745-31-02(A) by installing and operating the burner/heater on the exiting P901 emissions unit.

#### **Request to assess permit needs for crushing and screening operation**

In the September 15, 2010 Title V Full Compliance inspection letter, I requested PTE calculations for the crushing and sorting of the anodes using the front-end loader bucket and the screening unit (M.I.E. refers to it as a griddle). I received the requested PTE calculations from you on May 6, 2011. From the information provided, it appears that the "griddle" screening grate and the anode crushing appear to be de-minimis in nature per

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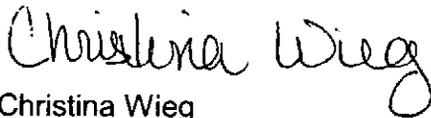
OAC rule 3745-15-05 and are exempt from the requirement to receive a permit-to-install and operate. However, if the facility becomes aware that the emission factors or throughput amounts used in this determination are not representative of the operation, this determination would need to be reevaluated.

**Roadway and parking area fugitive issues**

In an email dated March 30, 2011, you indicated that you had prepared an updated and much more complete plan to address the roadway issues for my input and approval. I have not received any updated plan to-date and am requesting an update of M.I.E's. plan to address the roadway issues both on and off the property as discussed in prior meetings.

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: Tom Kalman, DAPC/CO  
Mickey Jencius, U.S. EPA/Region V  
Bruce Weinberg, DAPC/SEDO  
Sarah T. Bloom, Ohio Attorney General's Office