



State of Ohio Environmental Protection Agency

Southeast District Office

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

September 15, 2010

Re: Washington County
Marietta Industrial Enterprises
Facility ID # 0684000148
Inspection-Notice of Violation
(HPV-GC7)
Certified: 70101060000178960224

Scott Elliott
Marietta Industrial Enterprises
17943 State Route 7
Marietta, OH 45750

Subject: Title V full compliance inspection conducted August 10, 2010

Dear Mr. Elliot:

On August 10, 2010, I performed a Title V full compliance inspection of the Marietta Industrial Enterprises (M.I.E.) facility, in Marietta. During the August 10, 2010 site visit, M.I.E. representative Mike Holland and you escorted me and other Ohio EPA representatives throughout the facility. The inspection was conducted to determine the facility's compliance with the applicable State and federal air pollution rules and regulations.

The facility's Title V permit expired July 12, 2007. The facility was required to submit a renewal Title V permit application by January 13, 2007. The Agency received a renewal application on January 16, 2007 and is pending at the agency. As mentioned in prior conversations with you and other facility representatives, due to changes at the facility, significant updates to the current renewal Title V applications will need to be made by the facility before the application is able to be processed.

The Agency received two requests from M.I.E. dated June 20, 2008 and February 22, 2010, to permanently shut down and withdrawal a number of emissions units that are currently permitted at the facility. The Agency has since processed the request and permanently shut down/withdrawn the following emissions units:

- F017** (Fine Screening and Briquetting);
- F021** (Portable Screening and Conveying of Cement Clinkers and Screening and Conveying at Xenia Ohio);
- F022** (#4 crushing system, controlled with a baghouse);
- F024** (#1 Loading Station);
- F912** (Smico Screeners);
- F028** (#1 Cored Wire System);

P903 (Briquetting Plant);
P907 (Stedman Sizing System);
P908 (Air Bagger, controlled with enclosures and baghouse);
P910 (#1 Fume Storage Silo);
P911 (Ball and Pebble Mill);
P917 (Ferro Alloy Brick Press);
P923 (2.8 TPH picking operation); and
P924 (Drying and Screening system).

It was determined during the site visit and through follow-up correspondence with the facility that the Title V permitted non-insignificant emissions unit **P928** (Pelletizer) is no longer present at the facility and has not been withdrawn from our permitting system.

Ohio EPA is requesting that the facility submit a request to withdraw the emissions unit P928 and any other emissions units that are permitted at the facility but no longer located on the M.I.E. property within 30 days of receiving this letter.

It was determined during the site visit and through follow-up correspondence with the facility that the following Title V permitted non-insignificant and insignificant emissions units are located at the facility but have not operated in two or more years and have not been withdrawn:

P921 (#3 Rodmill);
F031 (Portable Conveyor);
F005 (Ferrosilican Mill System);
F013 (Rodmill Rotex);
P929 (Manganese Ore Crusher);
P905 (#1 Packaging System); and
F019 (Ferro Alloy Bagger).

A number of the above-referenced emissions units appear to have been partially dismantled and/or stripped of vital parts. Prior to the facility operating the above-referenced emissions units, the Ohio EPA, Division of Air Pollution is requiring that the facility submit updated permit-to-install (PTI) applications and associated Emission Activity Category (EAC) forms in order to determine if the above-referenced emissions units have been modified as defined per Ohio Administrative Code (OAC) rule 3745-31-01.

It should also be noted that the ownership of the following emissions units have been transferred to Mr. Carl Baker of Riverside Bulk Terminals LLC effective on May 30, 2009 and are now known as Marietta Industrial Enterprise - Dockside (Facility ID 0684015004):

F001 (Material Handling Dockside);
F003 (Storage Piles Dockside); and
F029 (Coal Load out Station).

Though these emissions units no longer belong to M.I.E., M.I.E. had requested that they remain operating under M.I.E.'s current Title V permit until M.I.E. was able to determine if they were going to maintain their Title V status or pursue State-only permitting status. You recently notified me that M.I.E. will be maintaining their Title V status. As a result, Marietta Industrial Enterprise - Dockside will also be a Title V facility and will need to submit a Title V application. In a letter dated March 10, 2010, based upon U.S. EPA's position that M.I.E. is a Title V Facility, I notified Mr. Baker that the facility should submit to the Agency, via eBusiness Air Services, a complete electronic Title V permit application for his facility no later than June 1, 2010. The Agency has not received an application to-date. I will be corresponding with Mr. Baker to notify him of M.I.E.'s position and his permitting obligation.

Based on my inspection, file review, and evaluation of the reports submitted by M.I.E., the following violations have been discovered:

F014 (Roadways and Parking Areas) - I observed a significant amount of material drag-out from the facility onto County Road 10 which was in violation of OAC rule 3745-17-08(B) and Title V permit term A.I.2.d. The facility has been in correspondence with both Ohio EPA and the Washington County Engineers' Office on ways to alleviate this issue. **Please submit with your response to this letter a plan and schedule which includes actions that will be taken to alleviate this issue.**

F016 (Storage Piles) - This emissions unit includes those storage piles associated with the ferro alloy side of the facility (not Dockside). It was noted during the inspection that many of the storage piles have not been used or moved in some time. Ohio EPA encourages the facility to properly dispose of any storage piles that no longer serve a purpose for the facility. In addition, PTI 06-04681 pursuant to OAC rule 3745-31-05(A)(3), requires storage piles to be covered when outside. None of the storage piles locate outside was covered during the site visit; therefore, F016 is in violation of the terms of PTI 06-04681.

F024 (#1 Loading Station) – The #1 Loading Station was removed by the facility and has been permanently shut down/withdrawn as an emissions unit. It should be noted that in the past the use of a loading station controlled with a baghouse was determined to be Best Available Technology (BAT). If the facility plans on conducting loading of trucks at the facility, M.I.E. must submit a PTI application to install a new loading station equipped with a baghouse as control. To-date, Ohio EPA has not received this application.

F020 (Portable Conveying System) - It was noted during the inspection that the facility had not been recording the gallons of water used. This is a violation of Title V term A.III.3 for emissions unit F020.

P901 (#1 Crushing and Screening System) – During my site visit, it was determined that the conveyor that fills the silos associated with P901 had broken several days prior and become non-operational. The facility had hooked up an existing onsite conveyor to a portion of P901 and was loading trucks from this partially covered conveyor. During the site visit, we discussed the possibility of this change being a Chapter 31 modification, and as a result would require a permit. I requested additional information to better determine if a modification occurred, including potential-to-emit (PTE) calculations for the emissions unit before and after the change. On August 13, 2010, I received additional information from you regarding the change made to P901; however, the correspondence did not include calculations for PTE. **Please submit these calculations before and after the change with your response to this letter.**

Anode Material Handling Operations - During the site visit, I spoke to Mr. Holland about the equipment that appeared to be associated with the anode operation. There was a grate which Mr. Holland referred to as the “griddle” and equipment with a front-end loader bucket. Mr. Holland mentioned that this equipment was used to crush and sort the anode material outside. Please provide calculations for the PTE for both the crushing of these anodes in this method and the sorting of the anodes using the “griddle”. **Please submit these calculations in your response to this letter.**

Emissions Unit Testing Requirements - The Title V permit requires the facility to perform emission testing approximately 2.5 years after permit issuance and within 6 months prior to permit expiration for a number of emissions units listed in the permit. The following emissions units were identified as operating at the facility after the permit issuance date of July 2, 2002 and have not been shut down/withdrawn.

P907 (Stedman Sizing System);
P916 (#3 Crushing and Screening System); and
P921 (#3 Rod Mill).

Since emission testing has not yet been conducted, the above emissions units are in violation of the Testing Requirements outlined in the facility's Title V permit. These violations have been discussed and an agreement between the Agency and M.I.E. is pending which would alleviate M.I.E. from conducting emission testing on these inactive units until the equipment is operated again.

In conclusion, many of the emissions units at M.I.E. are non-operational or operate sporadically due to the nature of the business making it difficult for Ohio EPA to determine compliance with applicable air pollution regulations. Ohio EPA's failure to list specific deficiencies or violations in this letter does not preclude M.I.E. from having to comply with all applicable regulations.

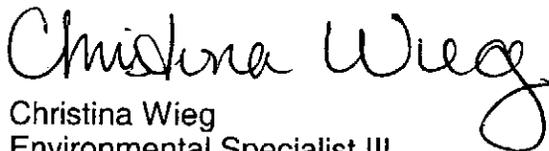
Within 30 days of receipt of this letter, please submit a compliance plan and schedule to address the violations outlined in this letter. The plan should include a time line for completing corrective actions and specify the corrective actions taken.

Scott Elliot
Marietta Industrial Enterprises
September 15, 2010
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Acceptance by Ohio EPA of a schedule for compliance does not constitute a waiver of 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 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) 380-5223 or email christina.wieg@epa.state.oh.us.

Sincerely,



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

CW/mlm

Enclosure: Title V Inspection Forms

cc: Bruce Weinberg, DAPC/SEDO
Tom Kalman, DAPC/CO
Lisa Holscher, USEPA
Greg Devol, Riverside Bulk Terminal LLC
Carl Baker Jr., Riverside Bulk Terminal LLC