



State of Ohio Environmental Protection Agency

Southeast District Office

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Logan, Ohio 43138

TELE: (740) 385-8501 FAX: (740) 385-6480
www.epa.state.oh.us

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

July 14, 2010

Re: Washington County
Marietta Industrial Enterprise
Facility ID # 06-84-00-0148
Notice of Violation
HPV-GC7
Certified #70063450000190559222

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

Subject: Notification of Violation Concerning Failure to Report Malfunction of Emissions Unit P901

Dear Mr. Elliott:

In a letter dated June 23, 2010, I notified you that an Ohio EPA inspector had observed a large cloud of fugitive particulate emissions emanating from the blue silos associated with the #1 crushing line (Emissions Unit P901) at Marietta Industrial Enterprise's (MIE) facility in Marietta. The inspector indicated that the emissions came from the "load out" area of the silo and that the fugitive emissions were in such quantity that no light was visible through the plume.

In my June 23, 2010 letter, I indicated that the facility had violated Ohio Administrative Code (OAC) rules 3745-31-05(A)(3) and 3745-17-08(B) of Permit-to-Install P0103687, issued October 2, 2008. However, after receiving your email correspondence dated June 30, 2010 (received electronically July 6, 2010), it appears that the visible emissions observed were the result of a malfunction of the silo equipment associated with Emissions Unit P901.

In your email dated June 30, 2010, you indicated that *"a mechanic tried to repair an air valve on the silo load out gate. Without warning, the material in the cone of the silo broke free. This allowed the dry material that had been stored in the silo and which was above the product that was stuck in the cone to freely run out into the ground. The material ran for several minutes before the mechanics could get the air lines repaired. Once air pressure was restored, employees shut the discharge gate so the flow of material was stopped. It took several minutes for the dust cloud to dissipate..... This emission was reported on the daily shift notes by the shift Forman. Because this problem was the result of a broken air line which allowed dry carbon to flow from the silo, Inspector Derrick Lent reported this in his daily log as an emission due to malfunction (see attached daily report)."*

Scott Elliott
Marietta Industrial Enterprise
July 14, 2010
Page 2

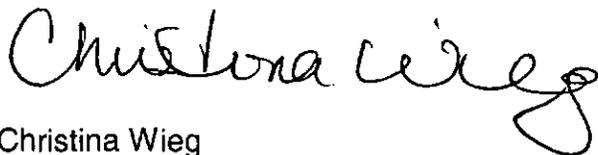
The agency agrees that the above-reported scenario qualifies as a malfunction under OAC rule 3745-15-06(B)(1). However, the facility did not immediately report the malfunction to Ohio EPA. Therefore, MIE is in violation of OAC rule 3745-15-06(B)(1). Each of these violations can carry a maximum fine of \$25,000.00 per violation per day, as provided by Ohio Revised Code Section 3704.06.

Within 7 days of receipt of this letter, MIE shall submit a plan and schedule to return the emissions unit facility to compliance. The schedule 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. 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) 380-5223 or email christina.wieg@epa.state.oh.us.

Sincerely,



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

CW/mlm

cc: Tom Kalman, DAPC/CO
Lisa Holscher, U.S. EPA
Bruce Weinberg, DAPC/SEDO
Sarah T. Bloom, Attorney General's Office