



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

June 23, 2010

Re: Washington County
Marietta Industrial Enterprise
Facility ID # 06-84-00-0148
Notice of Violation
Certified #70063450000190559314

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

Subject: Notification of Violation Concerning Fugitive Particulate Emissions from Emissions Unit P901

Dear Mr. Elliott:

On June 16, 2010 at approximately 11:40 a.m., an Ohio EPA inspector 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. It was also noted that there was a pile of material underneath the silo after the event.

Permit-to-Install P0103687, issued October 2, 2008, states per Ohio Administrative Code (OAC) rule 3745-31-05(A)(3) that there shall be no visible fugitive particulate emissions from the egress points serving Emissions Unit P901. In addition, OAC rule 3745-17-08(B) states that the permittee shall employ reasonably available control measures on Emissions Unit P901 for the purpose of ensuring compliance with the applicable requirements. In accordance with the permittee's permit application, the permittee shall employ a capture system, which includes enclosures, that minimizes or eliminates visible particulate emissions of fugitive dust at the points of capture to the extent possible with good engineering design and vents the captured emissions to two baghouses that are capable of meeting the applicable requirements.

Therefore, MIE is in violation of OAC rules 3745-31-05(A)(3) and 3745-17-08(B). 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 14 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.

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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 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/jg

cc: Tom Kalman, DAPC/CO
Lisa Holcsher, U.S. EPA
Bruce Weinberg, DAPC/SEDO