



State of Ohio Environmental Protection Agency

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

September 30, 2008

Re: Washington County  
Marietta Industrial Enterprises  
Facility ID # 0684000148  
Inspection-Notice of Violation Letter  
**Certified: 70063450000190559673**

HPV - GC7

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

**Subject: Response to Title V full compliance inspection conducted July 24 & August 21, 2008**

Dear Mr. Elliot:

On July 24 and August 21, 2008, I performed partial compliance inspections of the Marietta Industrial Enterprises' (M.I.E.) facility in Marietta, Ohio as part of the facility's required Title V full compliance inspection. The inspections were 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.

During the July 24, 2008 site visit, M.I.E. representatives Mike Holland and Carla Holland escorted me and other Ohio EPA representatives throughout the facility. Matt Holland served as the M.I.E. representative during the August 21, 2008 site visit.

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 The agency has since processed the request and permanently shut down/withdrawn the following emission units:

- F021** (Portable Screening & Conveying of Cement Clinkers and Screening and Conveying at Xenia Ohio);
- F028** (#1 Cored Wire System);
- P903** (Briquetting Plant);
- P907** (Stedman Sizing System);
- P910** (#1 Fume Storage Silo);
- P911** (Ball & Pebble Mill);
- P916** (#4 Crushing & Screening System); and
- P917** (Ferro Alloy Brick Press).

It was determined during the site visits and through follow-up correspondence with the facility that the following Title V permitted non-insignificant emissions units are no longer present at the facility and have not been withdrawn:

**P928** (Pelletizer);  
**F022** (#4 Crushing System); and  
**P923** (2.8 TPH Picking Operation).

Ohio EPA is requesting that the facility submit a request to withdraw the emissions units listed above 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 visits 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 2 or more years and have not been withdrawn:

**F017** (Fine Screening & Briquetting);  
**P905** (#1 Packaging System);  
**P908** (Air Bagger); 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.

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

**F001** (Material Handling Dockside) - The material handling operation located at dockside was not in operation during the two site visits conducted. However, during the August 21, 2008 site visit, I reviewed records for a number of emission units. The records had not been filled out since August 18, 2008, for the Emission Unit (EU) F001. Matt Holland explained that the records had not been kept for the last week because Mike Holland was on vacation and he is the individual who maintains most of the facility's records. Therefore, if EU F001 was in operation between August 19, 2008, and August 21, 2008, it was in violation of the Title V permit term A.III.1. In your response to this letter, please provide if the above emission unit was operating during this time period.

**F003** (Storage Piles Dockside) - During the August 21, 2008 site visit, I reviewed records for a number of emission units. The records had not been filled out since August 18, 2008, for the EU F003. Matt Holland explained that the records had not been kept for the last week because Mike Holland was on vacation and he is the individual who maintains most of the facility's records. Therefore, if EU F003 was in operation between August 19, 2008, and August 21, 2008, it was in violation of the Title V permit terms A.III.1, A.III.2., A.III.3., and A.III.7. In your response to this letter, please provide if the above emission unit was operating during this time period.

**F011** (Dump Stations) - During the August 21, 2008 site visit, I reviewed records for a number of emission units. The records had not been filled out since August 18, 2008, for the EU F011. Matt Holland explained that the records had not been kept for the last week because Mike Holland was on vacation and he is the individual who maintains most of the facility's records. Therefore, if EU F011 was in operation between August 19, 2008 and August 21, 2008, it was in violation of the Title V permit term A.III.1. In your response to this letter, please provide if the above emission unit was operating during this time period.

**F014** (Roadways and Parking Areas) - The facility roadways and parking areas had excessive visible emissions during the August 21, 2008 site visit. During my observations, five or less vehicles traveled the paved roadway. In addition, I observed significant amount of 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.

A Method 22 observation was performed on the paved roadways. During the observation, I recorded 2 minutes and 1 second of visible emissions (VE) from the paved roadways between 1:25 p.m. and 1:55 p.m. The facility has an emission limitation for paved roadways of 1 minute of VEs within a 60 minute period of observation per OAC rule 3745-31-05(A)(3). Therefore, the facility was in violation of OAC rule 3745-31-05(A)(3).

In addition, I conducted a Method 22 observation of the unpaved roadways associated with the facility. During the observation, I recorded a total of 3 minutes and 41 seconds of VE in less than a half an hour. Therefore, the facility failed the applicable emission limitation of 3 minutes of VEs in a 60 minute period and was in violation of OAC rule 3745-31-05(A)(3) and 3745-17-08(B), (B)(2).

I spoke to the water truck driver shortly after conducting the Method 22 observations. He indicated that he had missed the required 1 p.m. inspection and roadway watering because he had to take the water truck to West Virginia to water M.I.E.'s other facility. Therefore, the facility has failed to conduct the required inspection and water the roadway as required by Title V permit terms A.I.2.c., A.I.2.e, A.I.2.i and A.III.1

**F016** (Storage Piles) - This EU includes those storage piles associated with the ferro alloy side of the facility (not dockside). It was noted during the inspections that many of the storage piles have not been used or moved for several years. Ohio EPA encourages the facility to properly dispose of any storage piles that no longer serve a purpose for the facility.

During my August 21, 2008 site visit, I conducted a Method 22 observation on the load-in and load-out operation of a slag pile associated with the M.I.E. facility. I observed 5 minutes and 5 seconds of VE of fugitive dust in a 15 minute observation period. Therefore, the facility was in violation of the applicable emission limitation of 3 minutes of VE in a 60 minute period per OAC rule 3745-31-05(A)(3).

During my August 21, 2008 site visit, I reviewed records for a number of emission units. The records had not been filled out since August 18, 2008, for the EU F016. Matt Holland explained that the records had not been kept for the last week because Mike Holland was on vacation and he is the individual who maintains most of the facility's records. Therefore, if EU F016 was in operation between August 19, 2008, and August 21, 2008, it was in violation of the Title V permit terms A.III.1, A.III.2, A.III.3, and A.III.7. In your response to this letter, please provide if the above emission unit was operating during this time period.

**F024** (#1 Loading Station) - During my August 21, 2008 site visit, I reviewed records for a number of emission units. The records had not been filled out since August 18, 2008, for the EU F024. Matt Holland explained that the records had not been kept for the last week because Mike Holland was on vacation and he is the individual who maintains most of the facility's records. Therefore, if EU F024 was in operation between August 19, 2008, and August 21, 2008, it was in violation of the Title V permit terms A.III.1, A.III.2, A.III.3 and A.III.5. In your response to this letter, please provide if the above emission unit was operating during this time period.

In addition, from speaking with the MIE representatives and viewing the emissions unit, it appears that this EU has been modified and is no longer being used as an area for trucks to be loaded by front end loader. Please provide information explaining how the EU was modified and how this modification may affect the current permitting of the EU.

**P012** (#1 Rotex) - During my August 21, 2008 site visit, I reviewed records for a number of emission units. The records had not been filled out since August 18, 2008, for the EU P012. Matt Holland explained that the records had not been kept for the last week because Mike Holland was on vacation and he is the individual who maintains most of the facility's records. Therefore, if EU P012 was in operation between August 19, 2008, and August 21, 2008, it was in violation of the Title V permit terms A.III.1, and A.III.2. In your response to this letter, please provide if the above emission unit was operating during this time period.

**P901** (#1 Crushing & Screening System) - During my August 21, 2008 site visit, I reviewed records for a number of emission units. The records had not been filled out since August 18, 2008, for the EU P901. Matt Holland explained that the records had not been kept for the last week because Mike Holland was on vacation and he is the individual who maintains most of the facility's records. Therefore, if EU P901 was in operation between August 19, 2008, and August 21, 2008, it was in violation of the Title V permit terms A.III.1., A.III.2, A.III.3, and A.III.5. In your response to this letter, please provide if the above emission unit was operating during this time period.

**P904** (#2 Crushing and Screening Operation) - During my August 21, 2008 site visit, I reviewed records for a number of emission units. The records had not been filled out since August 18, 2008, for the EU P904. Matt Holland explained that the records had not been kept for the last week because Mike Holland was on vacation and he is the individual who maintains most of the facility's records. Therefore, if EU P904 was in operation between August 19, 2008, and August 21, 2008, it was in violation of the Title V permit terms A.III.1, A.III.2, and A.III.3. In your response to this letter, please provide if the above emission unit was operating during this time period.

**P907** (Stedman Sizing System) - During my July 24, 2008 site visit, Mike Holland had noted that P907 had last operated on July 23, 2008. He mentioned that M.I.E. had conducted a "test run" with this equipment on slag from Eramet. The EU records also indicate that the equipment operated on the above date. OEPA received a request from M.I.E on June 20, 2008, to permanently shutdown/withdrawal the EU and the agency has since processed the request. Please clarify this discrepancy in your response to this letter.

**P916** (#3 & #4 Crushing & Screening System) - EU P916 was not in operation during the site visits. During the inspection, it was observed that portions of the system (#4 crushing line) had been removed. M.I.E. has requested that the #4 description be removed from the EU. Ohio EPA is requesting that M.I.E submit a revised PTI application and associated EAC forms in order to determine if the emissions unit has been modified per OAC rule 3745-31-01.

During my August 21, 2008 site visit, I reviewed records for a number of emission units. The records had not been filled out since August 18, 2008, for the EU P916. Matt Holland explained that the records had not been kept for the last week because Mike Holland was on vacation and he is the individual who maintains most of the facility's records. Therefore, if EU P916 was in operation between August 19, 2008, and August 21, 2008, it was in violation of the Title V permit terms A.III.1 and A.III.2. In your response to this letter, please provide if the above emission unit was operating during this time period.

**P924** (Drying & Screening System) - During my August 21, 2008 site visit, I reviewed records for a number of emission units. The records had not been filled out since August 18, 2008, for the EU P924. Matt Holland explained that the records had not been kept for the last week because Mike Holland was on vacation and he is the individual who maintains most of the facility's records. Therefore, if EU P924 was in operation between August 19, 2008, and August 21, 2008, it was in violation of the Title V permit terms A.III.1, A.III.2, and A.III.4. In your response to this letter, please provide if the above emission unit was operating during this time period.

**P926** (Manganese Ore Milling Operation) - During the two site visits, the manganese ore milling operation was not in operation. Required records of operation were not available to inspectors during the inspections. During the July 24, 2008 site visit, Mike Holland indicated that the equipment was last operated on July 23, 2008, by Grant Elliot for a "test run" on material. I requested to look at the records that were kept for that day. Carla Holland indicated that she was unaware that Grant was performing a test run on this unit and the records were being kept in her office since that emission unit had not run lately. She then confirmed to me that to her knowledge they did not fill out the required records for July 23, 2008. In addition, I have since requested and received a copy of the required records for August for EU P926. The records indicated that the EU did not operate on July 23, 2008. Therefore, if EU P926 was in operation between August 19, 2008, and August 21, 2008, it was in violation of the Title V permit terms A.III.1, A.III.2, A.III.3, and A.III.5. In your response to this letter, please provide if the above emission unit was operating during this time period.

**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.

- F024** (#1 Loading Station);
- P901** (#1 Crushing and Screening System);
- P904** (#2 Crushing and Screening System);
- P907** (Stedman Sizing System);
- P916** (#3 Crushing & Screening System);
- P921** (#3 Rod Mill);
- P924** (Drying and Screening System); and
- P926** (Manganese Ore Milling Operation).

Since emissions 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.

**Other Issues-** During the site visits, I observed a minimum of three portable generators located on M.I.E. facility property. I requested additional information regarding the generators via email on September 18, 2008. The agency has not received a response to date. Please provide information on the Manufacturer, model, and horsepower rating of each generator located and operated at the M.I.E. facility. In addition, please provide information on the reason for use, date of installation, and number of hours of operation per year for each generator.

It was also noted that a new process has been installed in one of the buildings located on M.I.E. facility property. The process appeared to include a wet slag separation unit, a number of associated conveyors, hoppers, and screeners as well as outside storage piles. This process has been installed without a PTI as required by OAC rule 3745-31-02. Please submit the required PTI application and associated EAC forms via our electronic Air Services Database.

In addition, a number of insignificant emission units were not located during the site visit. I requested an updated map of the facility with all significant and insignificant emission unit locations marked via email on September 18, 2008. To date, the agency has not received this information. Please include this requested information with your response to this letter.

**General Comments -** In summary, the facility has a history of noncompliance with applicable state and federal air pollution rules and regulations. Ohio EPA encourages you to review M.I.E.'s permit terms and condition in order to become more familiar with the requirements. The facility has failed to perform many of the required emission tests at the facility. In addition, the facility continues to struggle to complete the required monitoring and record keeping associated with their Title V permits.

Many of the emissions units are nonoperational 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.

This letter outlines numerous violations which the facility should address. 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.

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.

Scott Elliot  
Marietta Industrial Enterprises  
September 30, 2008  
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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](mailto: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