



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

April 3, 2008

Re: Washington County
Marietta Industrial Enterprises
Facility ID # 0684000148
Notice of Violation Letter
HPV - GC7
Certified: 70063450000190561034

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

Subject: February 25, 2008 Malfunction of Emission Unit P901 (#1 crushing line)

Dear Mr. Elliott:

On February 25, 2008, at approximately 1:00 p.m., an Ohio EPA representative witnessed excessive fugitive particulate emissions emanating from the #1 crushing line (P901)/silo area located at Marietta Industrial Enterprises (M.I.E.) facility located in Washington County. Ohio EPA did not receive a report from the facility of a malfunction occurring with this emission unit.

On February 26, 2008, I contacted M.I.E. representative Mrs. Carla Holland via email and requested additional information concerning the incident. On March 12, 2008, I received an email from Mrs. Holland which stated that "the main trunk line going into the small dust collector was partially plugged off." As indicated in an email received from Mrs. Holland, the facility agrees that the malfunction that occurred was not reported immediately to the agency as required by Ohio Administrative Code (OAC) rule 3745-15-06(B)(1). Therefore, the facility is in violation of OAC rule 3745-15-06(B)(1).

Within 30 days of receipt of this letter, M.I.E. shall submit a plan outlining steps the facility will implement in order to ensure that any malfunctions in the future are reported as required by OAC rule 3745-15-06.

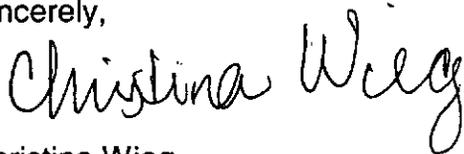
Each violation can carry a maximum fine of \$25,000.00 per offense per day as provided by the Ohio Revised Code 3704.06.

Acceptance by the Ohio EPA of a plan 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.

Scott Elliot
Marietta Industrial Enterprises
April 3, 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.

Sincerely,



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

CW/mlm

cc: Bruce Weinberg, DAPC/SEDO
Tom Kalmann, DAPC/CO
Lisa Holscher, USEPA
Carla Holland, M.I.E.