



State of Ohio Environmental Protection Agency

Southeast District Office

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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: 70063450000190561041

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

Subject: Response to site visit conducted March 20, 2008.

Dear Mr. Elliott:

On March 20, 2008, Michael Carper and I performed a partial compliance inspection of the Marietta Industrial Enterprises (M.I.E.) facility in Marietta, Ohio. The inspection was conducted to determine the facility's compliance with state and federal air pollution rules and regulations.

During the March 20, 2008 site visit, I spoke with M.I.E. representative Mike Holland and yourself. Based on my inspection and review of records, the following violations have been discovered:

P924 (Drying and Screening System)

During the inspection, it was determined that the facility has failed to conduct the required monitoring and record keeping for Emission Unit P924 as required by M.I.E.'s Title V permit. The following violations were observed:

- The facility has failed to indicate the following information concerning visible emission observations from the stack serving this emission unit as required by the Title V Permit Term A.III.1 for P924:
 - a. the color of the emissions;
 - b. the total duration of any visible emission incident; and
 - c. any corrective actions taken to eliminate the visible emissions.

- The facility has failed to perform and record the following information concerning the visible emissions observation of fugitive emissions serving this emission unit as required by the Title V Permit Term A.III.2 for P924:

The permittee shall perform daily checks, when the emissions unit is in operation and when the weather conditions allow, for any visible fugitive particulate emissions from the egress points (i.e., building windows, doors, roof monitors, etc.) serving this emissions unit. The presence or absence of any visible fugitive emissions shall be noted in an operations log. If visible emissions are observed, the permittee shall also note the following in the operations log:

- a. the location and color of the emissions;
 - b. whether the emissions are representative of normal operations;
 - c. if the emissions are not representative of normal operations, the cause of the abnormal emissions;
 - d. the total duration of any visible emission incident; and
 - e. any corrective actions taken to minimize or eliminate the visible emissions.
- The facility has failed to maintain a record of the annual hours of operation for this emissions unit as required by Title V Permit Term A. III.4. for P924.

P901 (#1 Crushing Line)

During the inspection, it was determined that the facility has failed to conduct the required monitoring and record keeping for Emission Unit P901. The following violations were observed:

- The facility has failed to indicate the following information concerning visible emission observations from the stack serving this emission unit as required by the Title V Permit Term A. III.2. for P901:

The permittee shall perform daily checks, when the emissions unit is in operation and when the weather conditions allow, for any visible particulate emissions from the stack serving this emissions unit. The presence or absence of any visible emissions shall be noted in an operations log. If visible emissions are observed, the permittee shall also note the following in the operations log:

- a. the color of the emissions;
 - b. the total duration of any visible emission incident; and
 - c. any corrective actions taken to eliminate the visible emissions.
- The facility has failed to perform and record the following information concerning the visible emissions observation of fugitive emissions serving this emission unit as required by the Title V Permit Term A.III.3. for P901:

The permittee shall perform daily checks, when the emissions unit is in operation and when the weather conditions allow, for any visible fugitive particulate emissions from the egress points (i.e., building windows, doors, roof monitors, etc.) serving this emissions unit. The presence or absence of any visible fugitive emissions shall be noted in an operations log. If visible emissions are observed, the permittee shall also note the following in the operations log:

- a. the location and color of the emissions;
 - b. whether the emissions are representative of normal operations;
 - c. if the emissions are not representative of normal operations, the cause of the abnormal emissions;
 - d. the total duration of any visible emission incident; and
 - e. any corrective actions taken to minimize or eliminate the visible emissions.
- The facility has failed to maintain a record of the hours of operation of this emissions unit on a daily basis as required by Title V Permit Term A. III.5. for P901.

During the inspection, it was also determined that P901 has operated on numerous days outside of the allowable pressure drop range of 1 to 5 inches of water as required by Title V Permit Term A.II.1. for P901. From review of facility records, it appears that in the month of March alone, the pressure drop ranged during operation between 2 and 14 inches of water.

Additional Issues:

I requested to review the most current records for P924 and P901 during my site visit. M.I.E. representative Mike Holland indicated that these records should be located at the emission units. During the inspection, I was not able to locate the records for the month of March, 2008 for P924. The only records observed at the emission unit P924 were for January, 2008. You indicated that you believed that they may have been moved to Mrs. Holland's office for review. However, upon speaking with Mrs. Holland the following day, she indicated that she was not sure where the records for the dryer were for the month of March. At that time, I requested a copy of the records for the months of January, February, and March 2008 for P924 and P901. I received a faxed copy of the requested records on March 21, 2008. On several occasions since, I have asked the facility where the records were for P924 for the month of March during my site visit. To-date, I have not received an explanation as to why they were not available.

In addition, the records for P901 did not indicate a month during my site visit and the records were filled out past the date of the site visit. The facility has stated that the March records for P901 were marked past the date because they were working two shifts and each operator was taking a reading.

The validity of the records received for P924 and P901 are in question due to the reasons above. Ohio EPA would like to take this chance to remind Marietta Industrial Enterprise that Ohio Revised Code (ORC) 3704.05(H)(1) states that no person shall "*falsify any plans, specifications, data, reports, records, or other information required to be kept or submitted to the director by this chapter or rules adopted under it.*" In addition, the General Terms and Conditions Part. I.A.12.b. of the Title V permit state "*Upon presentation of credentials and other documents as may be required by law, the permittee shall allow the Director of the Ohio EPA or an authorized representative of the Director to have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit, subject to the protection from disclosure to the public of confidential information consistent with paragraph (E) of OAC rule 3745-77-03.*"

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Within 30 days of receipt of this letter, Marietta Industrial Enterprises shall submit a plan and schedule to return the facility to compliance. The plan should include a time line for completing corrective actions and the corrective actions taken.

Each of these violations 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 and 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 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.