



State of Ohio Environmental Protection Agency

Southeast District Office

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

October 2, 2007

Re: Washington County
Marietta Industrial Enterprise
Facility ID # 06-84-00-0148
Notice of Violation
Certified #70063450000190561195

Carla Holland
Marietta Industrial Enterprise
17943 State Route 7
Marietta, Ohio 45750

Subject: Notification of Violation concerning Roadway and Parking areas (F014) and Portable Conveying System (F020)

Dear Mrs. Holland:

On September 19, 2007, I conducted a site visit of Marietta Industrial Enterprise (M.I.E.) in Marietta, Ohio. During the site visit, several violations were discovered. This letter serves to formally notify the facility of the violations and request that the facility perform corrective actions. The following violations were observed:

- **F014 (unpaved roadways and parking areas) violation of Ohio Administrative Code (OAC) rule 3745-31-05(A)(3)**
During the site visit, I observed visible emissions emanating from between the buildings on the property of M.I.E. After speaking to M.I.E. employees Mike Holland and Carla Holland, I became aware that the visible emissions were coming from the facility's unpaved roadways. A Method 22 was performed on the unpaved roadways (F014). The unpaved roadways were observed to have 5 minutes of accumulated visible emissions in a 5-minute observation period. Therefore, the unpaved roadways are in violation of OAC rule 3745-31-05(A)(3) which requires per the facility's Title V Permit that the unpaved roadways shall have no visible emissions except 3 minutes during any 60 minute period.
- **F014 (paved roadways and parking areas) violation of OAC rule 3745-31-05(A)(3)**
A Method 22 observation was conducted on the paved roadways associated with M.I.E. The paved roadways were observed to have 10 minutes of accumulated visible emissions in a 15-minute observation period. Therefore, the paved roadways are in violation of OAC rule 3745-31-05(A)(3) which requires per the facility's Title V Permit that the paved roadways shall have no visible emissions except for 1 minute during any 60 minute period.

- **F014 (unpaved and paved roadways and parking areas) violation of OAC rule 3745-17-08**
M.I.E. representatives notified me during our site visit that the facility's street sweeper and water truck had broken down and not operated since September 17, 2007. The facility had not made any arrangements to attempt to minimize the emissions from the roadways in the interim. Therefore, the facility is in violation of OAC rule 3745-17-08 and has failed to provide reasonable available control measures that are sufficient to minimize or eliminate visible emissions of fugitive dust as outlined in the Title V permit terms A.1.2.c, A.1.2.d, A.1.2.e, A.1.2.h, and A.1.2.i.
- **F014 (paved and unpaved roadways and parking areas) violation of OAC rule 3745-15-06(B)(1)**
As mentioned prior, the facility's street sweeper and water truck broke down on September 17, 2007. Due to the lack of road maintenance and suspension of material on roadways, the paved and unpaved roadways and parking areas were exceeding their emission limitation established in the Title V permit as well as failing to minimize and eliminate fugitive emissions. At the time of our site visit, the emission unit F014 was operating in a malfunction mode as defined in OAC 3745-15-06(B). The agency did not become aware of the situation until I conducted my site visit on September 19, 2007. Therefore, the facility failed to report the malfunction immediately as required by OAC rule 3745-15-06(B)(1) and the Title V Permit Terms Part I.A.1.c.ii.b. It is currently unclear if the malfunction continued passed the 72 hours which would require additional reporting actions from M.I.E per OAC rule 3745-15-06(B)(1). Please review if the break down in the equipment caused the emission of air contaminants in violation of any applicable law for more than seventy-two hours and provide the results of your review in the response to this letter.
- **F020 (portable conveying system) violation of OAC rule 3745-17-08(B)**
During the site visit, I observed the portable conveying system being used without water spray bars to load tanker trucks outside with sand. The portable conveying system is required under OAC rule 3745-17-08(B) to employ reasonable available control measures which, as stated in the facility's Title V Permit Terms includes operating and maintaining water spray bars. I have notified the M.I.E. on a number of occasions about not operating this emission unit without the required controls. If they plan on proposing alternative control methods, these methods should be submitted in a permit modification. To-date, the agency has not received any permit modification request for this emission unit. Therefore, F020 is in violation of OAC rule 3745-17-08(B).

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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.

Within 30 days of receipt of this letter, M.I.E. shall submit the requested information as well as 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.

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 II
Division of Air Pollution Control
Southeast District Office

CW/mlm

cc: Tom Kalman, DAPC/CO
Lisa Holscher, U.S. EPA Region V
Bruce Weinberg, DAPC/SEDO
Scott Elliot, M.I.E.