



State of Ohio Environmental Protection Agency

**Southeast District Office**

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

June 26, 2007

Re: Washington County  
Marietta Industrial Enterprises  
Facility ID # 0684000148

**Certified Mail: 70063450000190546123**

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

**Subject: Marietta Industrial Enterprises failed to submit a complete Title V Compliance Certification, in violation of the Title V permit terms and conditions and Ohio Administrative Code (OAC) rule 3745-77-07(C)(5).**

Dear Mr. Elliott:

The purpose of this letter is to bring to your attention that Marietta Industrial Enterprises (M.I.E) failed to submit a complete compliance certification for the Calendar Year 2006 period, in violation of OAC rule 3745-77-07(C)(5), the terms and conditions of your Title V Permit (Part I. A.), and Ohio Revised Code (ORC) Section 3704.05(C). Provided below is a description of the deficiencies with your initial compliance certification submittal:

- The facility indicates intermittent compliance with numerous permit terms but did not list intermittent compliance of General Term and Condition Part I.A.6. of the Title V permit. The Title V Compliance Certification Instructions for the 2007 revised form states the following under F:

*"Intermittent compliance with any State and federally enforceable Term or Condition will also require identifying intermittent compliance with General Term and Condition Part I.A.6."*

- The Title V Compliance Certification Form includes a column labeled "Those Documented Within Excursion/Deviation Reports Submitted to OEPA District Office or Local Air Agency (Identify Date of Each Report)." The facility did not indicate any reports in this column. If the facility included the information in deviation reports submitted to the agency, this column must be filled in with the appropriate information.
- The facility failed to comprehensively list violations of permit terms and conditions that occurred during the 2006 year that the agency is aware of. The following list of violations were not documented in the certification:

**Late and incomplete 2005 Title V Compliance Certification** - The facility failed to submit a timely Title V Compliance Certification for Calendar Year 2005. In addition, the original submittal received on April 28, 2006 was deemed incomplete by Ohio EPA. The agency requested a revised 2005 compliance certification. To date, the facility has failed to submit this information.

**P901 (#1 Crushing and Screening System)** - In an email dated November 14, 2006, Ohio EPA stated that on September 19, 2006, M.I.E. failed to minimize and eliminate fugitive dust associated with the P901.

**F001 (Material Handling Dockside)** - As a result of the June 15 and June 22, 2006 facility inspections, F001 was found to be in violation of OAC rule 3745-31-05(A)(3) and OAC rule 3745-17-08(B)(6). The facility failed to list deviations of OAC rule 3745-31-05(A)(3) and OAC rule 3745-17-08(B)(6) when addressing the fugitive dust violations associated with the dockside material handling (F001).

**F003 (Storage Pile Dockside)** - As a result of the June 15 and June 22, 2006 facility inspections, F013 was found to not comply with the requirements of section A.III.7 of M.I.E.'s Title V permit.

**F014 (Roadway and Parking Areas)** - On June 15, 2006, M.I.E. failed to water the roadways as required. In addition, the facility failed to post the required mph signs and keep required records. The facility did not list deviations of OAC rule 3745-31-05(A)(3), OAC rules 3745-17-08(B)(8), (B)(9); and Title V permit term A.III.4 in the 2006.

**F016 (Storage Piles)** - As a result of the June 15 and June 22, 2006 facility inspections, it was determined that the facility was in violation of OAC rule 3745-31-05 as stated in PTI 06-04681 (failure to cover storage piles). In addition, on March 10, 2006, F016 was found to be in violation of OAC rule 3745-31-05(A)(3). F016 also failed to comply with Title V permit term A.III.7.

**P924 (Drying and Screening System)** - On July 20, 2006, P924 was found to be in violation of OAC rule 3745-31-05(A)(3), OAC rule 3745-17-07, and OAC rule 3745-17-08. As a result of the June 15 and June 22, 2006 facility inspections, it was determined that P924 failed to comply with Title V permit terms A.III.1, A.III.2, and A.III.4.

**P926 (Manganese Ore Mill Operation)** - As a result of the June 15 and June 22, 2006 facility inspections, it was determined that P926 failed to comply with Title V permit term A.II.1

**Failure to Complete Required Source Testing** - The facility has not conducted the required stack tests for emissions units F024, P901, P904, P907, P916, P921, P924, and P926. In addition, the facility has failed to test F031 as required by PTI 06-07811. These violations must be documented in the certification.

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**Failure to Submit Timely Deviation Reports** - The 2<sup>nd</sup> quarterly/1<sup>st</sup> semi annual 2006 deviation reports were submitted late. This is a violation of M.I.E.'s Title V permit, General Terms and Conditions Parts 1. A.1.cii and Parts 1.A.1.c.iii as well as the required reporting terms with the associated emission units. These violations must be documented in the certification.

The above list of violations does not intend to be a comprehensive list of violations that should be reported by the facility in their revised Title V Compliance Certification for 2006. Ohio EPA **strongly urges** the facility to conduct an internal audit in order to assure that the resubmitted certification includes all known failures to comply with M.I.E.'s Title V permit terms and conditions as required by your permit.

It is important that your company immediately prepare a revised compliance certification and resubmit the required compliance certification, as soon as possible, but not later than 30 days from receipt of this letter.

If you fail to submit the revised Title V Compliance Certification by the deadline, we will have no choice but to refer this matter to the Central Office for appropriate enforcement action that could include the assessment of civil penalties.

Should you have any questions regarding this matter, please feel free to contact Christina Wieg at (740) 380-5223 or by email at [christina.wieg@epa.state.oh.us](mailto:christina.wieg@epa.state.oh.us).

Sincerely,



Bruce Weinberg  
Environmental Manager  
Division of Air Pollution Control  
Southeast District Office

BW/CW/mlm

Enclosure: 2006 Title V Compliance Certification

cc: Lisa Holscher, USEPA  
Jim Orlemann, DAPC/CO  
Christina Wieg, DAPC/SEDO