



State of Ohio Environmental Protection Agency

Southeast District Office

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

June 18, 2007

RE: Washington County
Marietta Industrial Enterprises
Notice of Violations

Certified: 70063450000190546079

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

Subject: Notice of Violations documented during May 31, 2007 site visit

Dear Mr. Elliot

On May 31, 2007, Russ Flagg and I performed a site visit of Marietta Industrial Enterprises (M.I.E.) in Marietta, Ohio. The site visit was conducted to determine the facility's compliance with state and federal air pollution rules and regulations. Several violations were observed during the site visit.

The material handling operation located at the facility are subject to the following regulations:

- OAC rule 3745-17-07 (B)(1) which states *"Visible particulate emissions from any fugitive dust source shall not exceed twenty per cent opacity as a three-minute average."*
- OAC rule 3745-17-08 (B)(3) which states *"No person shall cause or permit any fugitive dust source to be operated; or any materials to be handled, transported, or stored; or a building or its appurtenances or a road to be used, constructed, altered, repaired, or demolished without taking or installing reasonably available control measures to prevent fugitive dust from becoming airborne. Such reasonably available control measures shall include, but not be limited to, one or more of the following which are appropriate to minimize or eliminate visible particulate emissions of fugitive dust:*

(3) The installation and use of hoods, fans, and other equipment to adequately enclose, contain, capture, vent and control the fugitive dust. Such equipment shall meet the following requirements:

(a) The collection efficiency is sufficient to minimize or eliminate visible particulate emissions of fugitive dust at the point(s) of capture to the extent possible with good engineering design; and

(b) The control equipment achieves an outlet emission rate of not greater than 0.030 grain of particulate emissions per dry standard cubic foot of exhaust gases or there are no visible particulate emissions from the exhaust stack(s), whichever is less stringent."

Violations documented during May 31, 2007 site visit

- At approximately 10:45 a.m. on May 31, 2007 on the property of M.I.E., I witnessed a front-end loader transporting fine material from a stock pile located in a building to a dump truck stationed outside the building. The front-end loader was unloading the material in the dump truck outside, between buildings, causing excessive visible emissions. The facility is equipped with a load-out station controlled by a baghouse. The facility was not using the load-out station for this activity during the site visit. The facility failed to minimize and/or eliminate visible emissions by conducting this activity, therefore, this activity is in violation of OAC 3745-17-08.
- At approximately 1:20 p.m. on May 31, 2007 on the property of M.I.E., I witnessed excessive visible emissions exiting the egress points of the facility's building #4. The facility indicates that the visible emissions were a result of an employee moving fine material in a building to be sorted with a front-end loader. A Method 9 observation was conducted in accordance with "Appendix on Test Methods" in 40 CFR Part 60 ("Standards of Performance for New Stationary Sources", as such Appendix existed on July 1, 1996) on the material handling operation. The observation of visible emissions was 93% opacity as a three-minute average in a 11 minute observation time. Therefore, this process was in violation of OAC rule 3745-17-07 (B)(1). In addition, the facility failed to minimize and/or eliminate visible emissions by conducting this activity, therefore this activity is in violation of OAC 3745-17-08(B)(3).

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.

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Within the plan and schedule, please include an outline of the above process activities and the emission unit identifications (example: F001- Material Handling Dockside) which these activities are permitted under.

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: Bruce Weinberg, DAPC/SEDO
Tom Kalmann, DAPC/CO
Lisa Holcsher, USEPA