



Environmental
Protection Agency

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

CERTIFIED MAIL # 91 7108 2133 3932 4449 0915

July 22, 2011

Franklin County
Ohio Mulch Supply, Inc.
Ohio ID Number 0125042476
Air Compliance Evaluation

Bill Holmes
Ohio Mulch Supply, Inc.
2140 Advance Avenue
Columbus, OH 43207

Re: **Notice of Violation** based upon the July 12, 2011, Ohio Mulch Supply, Inc. full air compliance evaluation

Dear Mr. Holmes:

Ohio EPA Central District Office (CDO) inspectors Barbara Walker and Sara Santiago conducted a full compliance inspection of Ohio Mulch Supply, Inc. on July 12, 2011. The purpose of the inspection was to evaluate compliance with the terms and conditions of the applicable Federally Enforceable Permit-to-Install and Operate (FEPTIO) along with all other applicable permits.

Listed below are "Findings" based upon CDO observations and conversations with facility personnel. The findings are followed by "Violation(s)" (if applicable) and "Requested Action(s)" necessary to address stated findings and violations.

1. **Finding:** Unpermitted installation of an air contaminant source

CDO personnel observed the installation of several air contaminant sources, including an Amatis grinder and a Hornet 720 screener, which may require permits to install and operate.

Violation

The installation and operation of an air contaminant source without first obtaining a permit-to-install and operate (PTIO) is considered a violation of Ohio Administrative Code (OAC) 3745-31-02(A) which states:

"No person shall cause, permit, or allow the... installation, or modification and subsequent operation of any new source ... without first obtaining a PTIO from the director."

Violations of OAC 3745-31-02 are also considered a violation of Ohio Revised Code (ORC) 3704.05(C), which states:

"No person who is the holder of a permit ...shall violate any of its terms or conditions."

Requested Action

CDO requests that Ohio Mulch Supply, Inc. compile an inventory of all air contaminant sources and their potential emissions to determine if permits-to-install and operate (PTIOs) are required. If a PTIO is required, please submit a complete PTIO application for that equipment within thirty (30) days of receipt of this letter.

If Ohio Mulch Supply, Inc. determines that a PTIO is not required for any air contaminant source, please provide CDO information demonstrating why that air contaminant source does not need a PTIO, including all guidance, calculations, references, assumptions, and supporting documents.

2. **Finding:** Failure to perform monitoring and recordkeeping

During the facility compliance evaluation on July 12, 2011, CDO personnel requested to review all monitoring records being maintained by Ohio Mulch Supply, Inc. CDO personnel were informed that no records were on site or could be provided.

Violation

Operation of emission unit F003 without performing inspections is considered a violation of the terms and conditions of permit-to-install and operate (PTIO) P0083310. This permit requires the permittee to "perform inspections of" each load-in operation, each load-out operation and the wind erosion from pile surfaces. The terms and conditions of PTIO P0083310 states:

"The purpose of the inspections is to determine the need for implementing the control measures specified in this permit for load-in and load-out of a storage pile, and wind erosion from the surface of a storage pile. The inspections shall be performed during representative, normal storage pile operating conditions."

Operation of emission unit F005 without performing inspections is considered a violation of the terms and conditions of PTIO P0083310 which states:

"[T]he permittee shall perform inspections of the roadways and parking areas... daily."

Operation of emission units F003 and F005 without maintaining records is considered a violation of the terms and conditions of permit-to-install and operate (PTIO) P0083310, which requires the permittee to maintain records of the following information:

- "a. the date and reason any required inspection was not performed...;*
- b. the date of each inspection where it was determined by the permittee that it was necessary to implement the control measures;*
- c. the dates the control measures were implemented; and*
- d. on a calendar quarter basis, the total number of days the control measures were implemented..."*

Violations of the permit terms and conditions of PTIO P0083310 are also considered violations of Ohio Revised Code (ORC) 3704.05(C).

Requested Action

CDO requests that Ohio Mulch Supply, Inc. immediately comply with all monitoring and recordkeeping requirements in accordance with the terms and conditions of PTIO P0083310 for emission units F003 and F005.

Additional Information

Ohio Mulch Supply, Inc is a Synthetic Minor Title V (SMTV) facility. All SMTV facilities are required to submit certain reports via the eBusiness Center: Air Services, which is accessed through the eBusiness Center. The eBusiness Center may be reached from the Ohio EPA home page at www.epa.state.oh.us or directly at ebiz.epa.ohio.gov.

If at some time in the future this facility plans to install additional air contaminant sources or modify an existing air contaminant source, please contact Ohio EPA, Central District Office to obtain the appropriate forms and discuss the applicability of any rules in question. Ohio EPA endeavors to process all applications in an expeditious manner.

Please note that the Ohio EPA has the authority to seek civil penalties as provided in section 3704.06 of the Ohio Revised Code (ORC). This letter or information pursuant to this letter does not constitute a waiver of Ohio EPA's authority to seek civil penalties as provided in the ORC. The decision on whether or not to seek such penalties will be made by the Ohio EPA at a later date.

Bill Holmes
Ohio Mulch Supply, Inc.
Page -4-

If you have any questions, please contact Barbara Walker of my staff at (614) 728-3805 or barbara.walker@epa.ohio.gov.

Sincerely,



John McGreevy
Supervisor, Permits and Compliance
Division of Air Pollution Control
Central District Office

c: Adam Ward, Manager, DAPC/CDO
Kelly Toth, DAPC/CDO
Barbara Walker, DAPC/CDO
John Paulian, DAPC/CDO

e: John McGreevy, DAPC/CDO

Enclosure

JM/ct 0125042476 NOV from 072011FCE