



Environmental
Protection Agency

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

June 22, 2011

Franklin County
Hamilton Tanks, LLC
Ohio ID Number 0125041287
Air Compliance Evaluation

Randy Smith
Hamilton Tanks, LLC
2200 Refugee Road
Columbus, OH 43207

Re: **Notice of Violation** based upon the June 14, 2011, Hamilton Tanks, LLC full air compliance evaluation

Dear Mr. Smith:

Ohio EPA, Central District Office (CDO) inspectors Barbara Walker and Luke Mountjoy conducted a full compliance inspection of Hamilton Tanks, LLC on June 14, 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).

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:** Failure to install monitoring equipment on control device.

During the facility compliance evaluation, CDO personnel observed that a pressure monitoring device was not installed on the baghouse controlling emissions from the sand grit blasting operations (P003). Permit-to-install and operate P0103970 requires the monitoring equipment device be installed, operated and maintained on the control equipment.

Violation

Operation of emission unit P003 without the required monitoring equipment is considered a violation of the terms and conditions of permit-to-install and operate (PTIO) P0103970 which states:

"The permittee shall properly operate and maintain equipment to monitor the pressure drop across the baghouse while the emissions unit is in operation. The monitoring equipment shall be installed, calibrated, operated and maintained in accordance with the manufacturer's recommendations, instructions, and operating manual."

Violation of the terms and conditions of PTIO P0103970 is 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 Hamilton Tanks, LLC install, calibrate and operate a parametric pressure monitoring device in accordance with manufacturer's recommendations within sixty (60) days to satisfy the terms and conditions of PTIO P0103970.

2. **Finding:** Failure to fully enclose spray booth operations.

During the facility compliance evaluation on June 14, 2011, CDO personnel observed that the doors on the tank spray coating operation (K002) were not fully closed. When questioned if the doors were operated differently during the coating operations, facility personnel stated that the doors were kept as they were observed.

Violation

Operation of the spray coating emission units K001 and K002 with doors partially open is a violation of the terms and conditions of section C.1.b)(2)b. and C.2.b)(2)b. which states:

"Each emissions unit shall be operated and maintained in accordance with manufacturer's recommendations. ... in order to maintain the highest effective level of particulate emissions control."

Violation of the terms and conditions of PTIO P0103970 is also considered a violation of Ohio Revised Code (ORC) 3704.05(C).

Requested Action

CDO requests that Hamilton Tanks, LLC immediately ensure that all spray booth doors are fully closed during coating operations to ensure particulate emission control in compliance with the terms and conditions of PTIO P0103970.

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

During the facility compliance evaluation on June 14, 2011, CDO personnel requested a review of all monitoring records being maintained by Hamilton Tanks. CDO personnel were presented with usage and emission records for emission units K001 and K002. Individual and combined rolling, 12-month records of hazardous air pollutants (HAP)

have not been maintained by the facility. Spray booth exhaust filter maintenance records have not been maintained in an operations log at the facility.

During the facility compliance inspection, CDO personnel were informed that monitoring and recordkeeping for the sand grit blasting (P003) was not performed.

Violation

Operation of emission units K001 and K002 without maintaining records of the hazardous air pollutants is considered a violation of sections C.1.d)(2) and C.2.d)(2) of the terms and conditions of permit-to-install and operate (PTIO) P0103970. Operation of the spray booths K001 and K002 without maintaining exhaust filter maintenance logs is considered a violation of sections C.1.b)(2)b. and C.2.b)(2)b. of PTIO P0103970.

Operation of P003 without performing the required recordkeeping is a violation of section C.4.d)(1) of the terms and conditions of PTIO P0103970 which states:

“...The permittee shall record the following on a daily basis:

- a. the pressure drop across the baghouse for each day when the emission unit operates; and*
- b. A log or record of the downtime for the control device and monitoring equipment when the emissions unit was in operation”.*

Violation of the terms and conditions of PTIO P0103970 is also considered a violation of Ohio Revised Code (ORC) 3704.05(C).

Requested Action

CDO requests that Hamilton Tanks, LLC immediately comply with all monitoring and recordkeeping requirements in accordance with the terms and conditions in PTIO P0103970.

4. **Finding:** Failure to perform required reporting.

Prior to the inspection on June 14, 2011, CDO personnel observed the required quarterly reports and annual permit evaluation report (PER) had not been submitted through eBusiness Center: Air Services.

Violation

Failure to submit quarterly reports for K001 and K002 is a violation of section C.1.e)(1) and C.2.e)(1) of the terms and conditions of PTIO P0103970. Failure to submit the annual permit evaluation report (PER) by November 15 is a violation of sections C.1.e)(2), C.2.e)(2) and C.4.e)(2) of the terms and conditions of PTIO P0103970.

Violation of the terms and conditions of PTIO P0103970 is also considered a violation of Ohio Revised Code (ORC) 3704.05(C).

Requested Actions

CDO requests that Hamilton Tanks, LLC immediately comply with all reporting requirements in accordance with the terms and conditions in PTIO P0103970. Additionally, CDO requests that Hamilton Tanks, LLC submit quarterly reports required since November 2008 and the annual report evaluation report (PER) for the reporting period October 1, 2009 through September 30, 2010, within thirty (30) days.

Summary of Requested Actions

CDO requests the following actions to be performed:

1. Install and operate a pressure monitoring device for P003 within sixty (60) days;
2. Immediately ensure spray coating operation booth doors are fully closed during coating operations;
3. Immediately perform all required monitoring and recordkeeping;
4. Immediately comply with all required reporting; and
5. Within thirty (30) days, submit quarterly reports since November 2008 and the 2010 annual permit evaluation report (PER).

Additional Information

Hamilton Tanks, LLC 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 <http://www.epa.ohio.gov> or directly at <http://ebiz.epa.ohio.gov>.

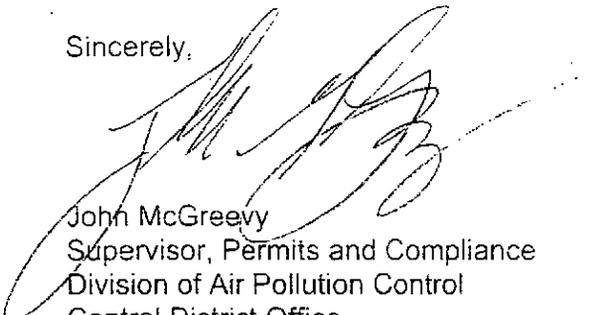
If at some time in the future this facility plans to install additional air contaminant sources or modify an existing air contaminant source, please contact Ohio EPA, Central District Office to obtain appropriate forms and discuss the applicability of any rules in question. Ohio EPA endeavors to process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

Randy Smith
Hamilton Tanks, LLC
Page -5-

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

Sincerely,



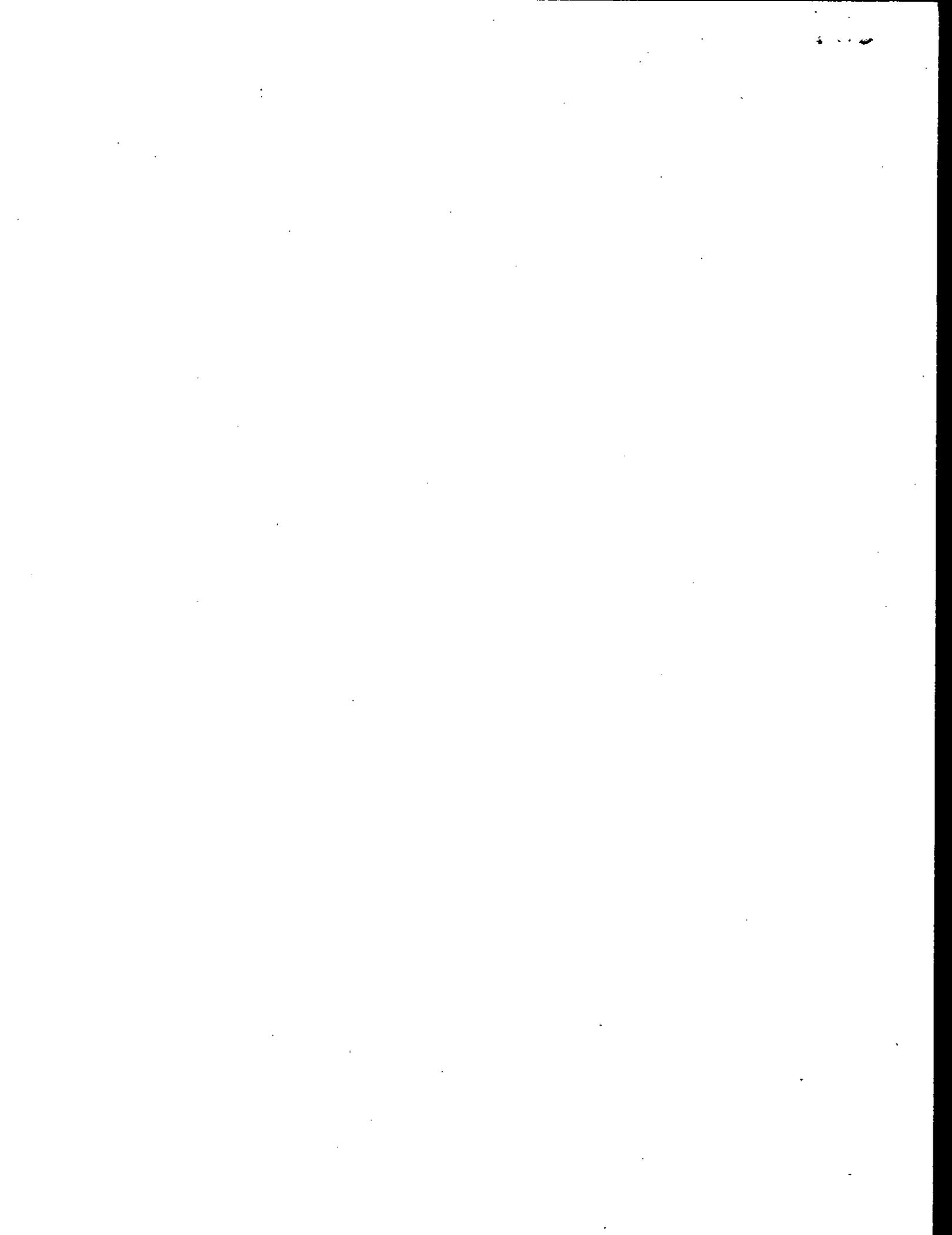
John McGreevy
Supervisor, Permits and Compliance
Division of Air Pollution Control
Central District Office

Enclosure

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

e: John McGreevy, DAPC/CDO

JM/ct 01250412887 HamiltonTanks NOVfromFCE 062011





Environmental
Protection Agency

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

CERTIFIED MAIL # 91 7108 2133 3932 4449 1080

June 21, 2011

Mr. Chuck Roberts
Fallsburg Management, LLC
7271 Fallsburg Road
Newark, OH 43025

Re: Notice of Violation based on June 3, 2011 site visit of C&DD transfer facility at the end of Webb Street in Newark, OH (Facility ID: 014502052)

Dear Mr. Roberts:

Ohio EPA, Central District Office, Division of Air Pollution Control (CDO), appreciates Fallsburg Management, LLC's (Fallsburg) courtesy and cooperation extended during the June 3, 2011 inspection of your transfer facility located at the end of Webb Street, Newark, Ohio. The purpose of the inspection was to investigate a complaint of excessive dust and to ensure compliance with applicable permits along with state and federal rules and regulations. Below is a summary of the inspection findings, violations and any action items that Fallsburg Management, LLC needs to address.

Finding 1:

No use of water as a dust suppressant during material handling (F002)

CDO personnel observed material handling activities being conducted without the use of water-spray as required by Fallsburg's permit-to-install and operate (PTIO) No. 01-12203, issued December 3, 2008. Section C.2.b)(2)c.1. of the permit states the permittee has committed to "employ water spray at the railcar unloading point and truck loading point." There did not appear to be any source of water at the facility that could be used to suppress dust.

Finding 2:

Failure to perform daily inspections and maintain records for material handling and roadway (F001 and F002)

Fallsburg was not able to provide records that indicated that daily inspections of either the main roadway or material handling operations were being conducted or recorded as required by the issued air permit. Section C.1.d) of PTIO 01-12203 states:

- "(1) Except as otherwise provided in this section, the permittee shall perform inspections of each of the roadway segments and parking areas in accordance with the following frequencies:

unpaved roadways and parking areas minimum inspection frequency all roads and parking areas daily

- (2) The purpose of the inspections is to determine the need for implementing the above-mentioned control measures. The inspections shall be performed during representative, normal traffic conditions. No inspection shall be necessary for a roadway or parking area that is covered with snow and/or ice or if precipitation has occurred that is sufficient for that day to ensure compliance with the above-mentioned applicable requirements. Any required inspection that is not performed due to any of the above-identified events shall be performed as soon as such event(s) has (have) ended, except if the next required inspection is within one week.

- (3) The permittee shall maintain records of the following information:

- a. the date and reason any required inspection was not performed, including those inspections that were not performed due to snow and/or ice cover or precipitation;
- 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 and the total number of days where snow and/or ice cover or precipitation were sufficient to not require the control measures.

The information required in (3)d. shall be updated on a calendar quarter basis within 30 days after the end of each calendar quarter."

Finding 3:

No use of dust suppressant on main access road

During the inspection, CDO personnel witnessed excessive dust from the main access road. According to the operator on site, no dust suppressant or water had been applied to the roadway as required by the issued air permit. Section C.1.b)(2)b. and c. of the permit states:

- "b. The permittee shall employ best available control measures on all unpaved roadways and parking areas for the purpose of ensuring compliance with the above-mentioned applicable requirements. In accordance with the permittee's application, the permittee has committed to treat the unpaved roadways and parking areas by application of chemical stabilization/dust suppressants and/or watering at sufficient treatment frequencies to ensure compliance. Nothing in this paragraph shall prohibit the permittee from employing other control measures to ensure compliance.
- c. The needed frequencies of implementation of the control measures shall be determined by the permittee's inspections pursuant to the monitoring section of this permit. Implementation of the control measures shall not be necessary for unpaved roadways and parking areas that are covered with snow and/or ice or if precipitation has occurred that is sufficient for that day to ensure compliance with the above-mentioned applicable requirements. Implementation of any control measure may be suspended if unsafe or hazardous driving conditions would be created by its use."

Finding 4:

Failure to submit annual PER report

Fallsburg was required to submit an annual permit evaluation report (PER) by November 15, 2010, in accordance with their issued air permit for the period of October 1, 2009 through September 30, 2020. To date, CDO has not received this report.

Violation(s)

Violation of the permit terms and conditions of an issued PTIO is considered a violation of Ohio Revised Code (ORC) 3705.05(C) which states:

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

Requested Action(s)

CDO is requesting Fallsburg take the following actions:

1. Immediately begin performing the required daily inspections and maintaining the appropriate records as required by the PTIO.
2. Within 30 days of receipt of this letter, submit a plan and schedule detailing a method for handling fugitive dust and achieving compliance with the permit. Please submit this plan to the attention of Adam Novak.

Mr. Chuck Roberts
Fallsburg Management, LLC
Page -4-

3. Within 30 days of receipt of this letter, submit the late PER report (form attached).

Acceptance by Ohio EPA of a compliance plan and schedule does not constitute a waiver of Ohio EPA's authority to seek civil penalties as provided in Section 3704.06 of the Revised Code. The determination to pursue or to decline to pursue such penalties in this case will be made by Ohio EPA at a later date.

If you have any questions, please contact Adam Novak at (614) 995-0670 or e-mail adam.novak@epa.state.oh.us.

Sincerely,



Kelly Toth
Supervisor, Air Permits and Compliance
Division of Air Pollution Control
Central District Office

cc: John Paulian, DAPC/Central Office
Adam Novak, DAPC/CDO

c: Adam Ward, DAPC/CDO

KT/AN/ct 0145020452-NOV General