



State of Ohio Environmental Protection Agency

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June 3, 2010

Susan Roberts
S&K Transfer LLC
7271 Fallsburg Road
Newark, OH 43055

Re: Notice of Violation based on Site Investigation
S&K Transfer LLC (Facility I.D. 0125044032)

Dear Ms. Roberts:

On several occasions in late 2009 and early 2010, Ohio EPA, Central District Office (CDO) investigated fugitive dust and odor complaints about your facility at 3600 Johnny Appleseed Court in Columbus, Ohio. The following information is based on the inspector's on-site observations.

The "Finding(s)" below are followed by "Violation(s)" (where applicable) and "Requested Action(s)" considered necessary to resolve any stated violations.

1. Finding: Fugitive emissions from roadways

CDO personnel conducted fugitive dust readings in accordance with 40 CFR Part 60, Appendix A, Method 22 on March 19, 2010 from unpaved facility roadways. CDO personnel observed three minutes and 29 seconds of fugitive particulate emissions out of 56 minutes. (see attached sheet Permit P0105276 limits fugitive particulate emissions to three minutes in a sixty minute period.

During the site visit on March 30, 2010, and several other occasions, CDO inspectors have observed mud being deposited onto Johnny Appleseed Court by vehicles leaving the S&K Transfer facility. In response, Mr. Mayfield indicated that S&K Transfer has utilized a sweeping system to clean the street and facility entrance at the end of each work day. However performing road sweeping without first watering the roadways created additional dust problems.

CDO inspector Luke Mountjoy discussed the issue with Mr. Mayfield and indicated that without water suppression before or during the sweeping activity, more fugitive dust will become airborne. Mr. Mayfield acknowledged the fact, and committed to using a water truck to wet the roadway before sweeping activities.

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



On multiple occasions the inspector noted the presence of construction materials and debris at the plant entrance and roadways. CDO has received complaints from neighbors including photos showing material and debris collected from Johnny Appleseed Court roadway. When addressing this issue with Mr. Mayfield, he indicated that measures would be taken to minimize dragout onto the roadway.

Violation:

Dragout onto roadways and parking areas from emissions unit F001 without prompt removal is a violation of OAC 3745-17-08(B) and the terms and conditions of PTIO 0105276, C.1.b)(1)(c) which states:

The permittee shall promptly remove, in such a manner as to minimize or prevent resuspension, earth and/or other material from paved streets onto which such material has been deposited by trucking or earth moving equipment or erosion by water or other means.

Operation of emissions unit F001 in violation of the applicable visible PE limitation of three minutes in any 60 minute period is a violation of the terms and conditions of PTIO P0105276, C.1.b)(2)(a) which states:

"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."

Violations of the permit terms and conditions of PTIO P0105276 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:

DAPC/CDO requests that S&K Transfer immediately implement fugitive dust controls and dragout removal measures sufficient to comply with the terms and conditions of PTIO P0105276. These measures may include increased watering and wet sweeping.

2. Finding: Fugitive emissions from storage piles

CDO personnel conducted fugitive dust readings in accordance with 40 CFR Part 60, Appendix A, Method 22 on March 19, 2010 from facility storage piles. CDO personnel observed two minutes and three seconds of fugitive particulate

emissions out of 60 minutes. (see attached sheet) Permit P0105276 limits fugitive particulate emissions to one minute in a sixty minute period.

CDO personnel conducted fugitive dust readings in accordance with 40 CFR Part 60, Appendix A, Method 22 on March 25, 2010 from facility storage piles. CDO personnel observed five minutes and 32 seconds of fugitive particulate emissions out of 60 minutes. (see attached sheet)

CDO personnel conducted fugitive dust readings in accordance with 40 CFR Part 60, Appendix A, Method 22 on March 30, 2010 from facility storage piles. CDO personnel observed two minutes and nine seconds of fugitive particulate emissions out of 60 minutes. (see attached sheet)

CDO personnel conducted fugitive dust readings in accordance with 40 CFR Part 60, Appendix A, Method 22 on April 6, 2010 from facility storage piles. CDO personnel observed one minute and seven seconds of fugitive particulate emissions out of 60 minutes. (see attached sheet)

In addition, Ohio EPA inspector Luke Mountjoy met with site supervisor Brian Mayfield, operator Tom Mayfield, and facility contact Chuck Roberts to describe the permit requirements, dust suppression methods, and current fugitive dust control inadequacies at the site.

Mr. Mountjoy spent additional time on March 25, 2010 with Mr. Mayfield and Mr. Roberts explaining the permits' specific emission limits, illustrated the specific methods used to evaluate compliance, and performed the method in their presence to demonstrate their non-compliance. These efforts were made to provide facility personnel a greater understanding of the permit requirements and take immediate action to correct future issues. However, CDO continues to receive complaints and documented subsequent violations.

Through correspondence with your facility, Mr. Mayfield and Mr. Roberts have discussed several dust suppression activities that were to be implemented to minimize fugitive dust, and control drag-out of material and debris from the operations. While these industry practices can be effective and would be considered reasonable to control fugitive dust, CDO inspectors have not observed consistent application of these fugitive dust suppression practices at the S&K Transfer facility.

Violation:

Failure to employ reasonably available control measures to minimize emissions of fugitive dust is a violation of OAC rule 3745-17-08(B), which requires the following:

"No person shall cause...any fugitive dust source to be operated; or any materials to be handled, transported, or stored...without taking or installing reasonably available control measures to prevent fugitive dust from becoming airborne."

Visible particulate emissions from emissions unit F002 exceeding 1-minute during any 60-minute period is a violation of the terms and conditions of PTIO P0105276, C.2.b)(1)(a).

Operation of emissions unit F002 without employing reasonably available control measures sufficient to comply with the applicable visible PE limitation is a violation the terms and conditions of PTIO P0105276, C.2.b)(2)(a) states:

"The permittee shall employ best available control measures on all load-in and load-out operations associated with the storage piles for the purpose of ensuring compliance with the above-mentioned applicable requirements."

Violations of the permit terms and conditions of PTIO P0105276 are also considered a violation of Ohio Revised Code (ORC) 3704.05(C).

Requested Action:

DAPC/CDO requests that S&K Transfer immediately implement fugitive dust controls sufficient to comply with the terms and conditions of PTIO P0105276. Ohio EPA suggests that these dust suppression activities at least include the proposals previously provided by the facility.

3. Finding: Facility odors

Complaints from neighboring businesses regarding odors from your facility have been reported and also noted by CDO inspectors during site visits on April 6 and May 12, 2010.

The odors were the apparent result of the decomposition of gypsum boards due to moisture. Per our conversation with Mr. Mayfield on December 19, 2009, the facility's normal storage capacity is 300-400 tons of material that would be rotated daily and shipped out within 24-48 hours. The storage pile is now larger and is not being rotated and removed per the stated 24-48 timeframe.

In conversations with Mr. Mayfield on a site visit May 12, 2010, he indicated that the facility is currently sending out 2-3 trucks per day with material to be taken to a landfill. With the increased volume taken in, and the stated storage capacity of the trucks hauling debris away, records indicate that material is residing on site for more than the 24-48 hour time frame, and are contributing to the current odor issues.

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S&K Transfer LLC
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Requested Action:

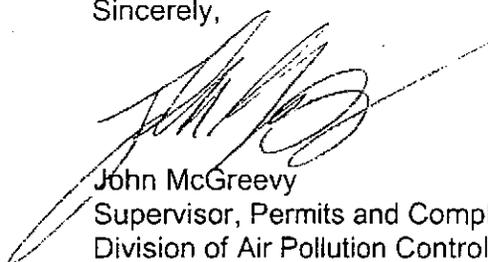
CDO requests that S&K Transfer immediately take steps to minimize or eliminate odors from the facility, including removal of wet or decomposing debris from the property and minimizing on-site storage time prior to shipping to landfill.

In addition to the above "Requested Action(s)", CDO requests that S&K Transfer develop and implement a Dust Suppression Plan for Storage Piles and Roadways within 45 days of receipt of this letter if the facility is still operating at this location. A copy of this plan should be maintained on-site for review by Ohio EPA personnel upon request.

Please note that 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 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 Luke Mountjoy at (614) 995-0672 or e-mail luke.mountjoy@epa.state.oh.us.

Sincerely,



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

Enclosure: FRM 22 date sheets

c: Adam Ward, Manager, DAPC/CDO
John Paulian, Supervisor, DAPC/CO
Luke Mountjoy, DAPC/CDO