



State of Ohio Environmental Protection Agency

Central District Office

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May 7, 2007

Mr. Bernard Fleming
Keller Environmental Co., Inc.
3909 Groves Road
Columbus, OH 43232

Re: Notice of Violation - Failure to minimize or eliminate visible emissions (VE) of particulate matter from the paved roadway adjacent to the trommel screen

Dear Mr. Fleming:

The Central District Office (CDO), Division of Air Pollution Control (DAPC), staff visited the Keller Farms site at 4270 Groves Road on May 1, 2007, to determine if the soil blending trommel screen released excessive visible emissions (VE) of particulate matter. The purpose of the visit was to assure compliance with air pollution control rule OAC rule 3745-17-07(B)(1) during operation of the trommel screen which states:

"Visible particulate emissions from any fugitive dust source shall not exceed twenty per cent opacity as a three minute average."

CDO staff recorded no opacity during observation of the trommel screen on the enclosed USEPA Method 9 observation form.

CDO staff, however, did observe that truck traffic generated excessive VE that is subject to OAC rule 3745-31-05(A)(3) in final general PTI 01-12134. Below is a summary of the investigation findings resulting from topsoil delivery and departure following load-in of screened top soil with any action items that Keller Farms will need to address:

Findings: CDO staff recorded one (1) minute and 20 seconds of VE from fugitive dust generated by truck traffic on the paved roadway between 2:37 and 2:55 p.m., as documented on the enclosed USEPA Method 22 observation form.

This is a violation of section A.I.1 in PTI 01-12134 for the paved roadways, which states:

"Visible particulate emissions (VE) from any paved roads or parking areas shall not exceed 1 minute during any 60-minute observation period".

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

In addition, general PTI 01-12134 requires daily record keeping for inspections of the paved roadways and parking areas for VE as specified in the following sections:

- ▶ Under section A.III.1, the permittee shall perform a daily inspection of all roads and parking areas.
- ▶ Under section A.III.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.

Please note that under section A.IV.1, the permittee shall submit quarterly deviation reports that identify any of the following occurrences:

- a. each day during which an inspection was not performed by the required frequency, excluding an inspection which was not performed due to an exemption for snow and/or ice cover or precipitation; and
- b. each instance when a control measure, that was to be implemented as a result of an inspection, was not implemented.

The reports shall be submitted (i.e. postmarked) quarterly, by January 31, April 30, July 31 and October 31 of each year and shall cover the previous calendar quarters.

Violations: Keller Farms violated Ohio Revised Code (ORC) Section 3704.05(c) for violating the terms and conditions of a PTI. Be advised, ORC rule 3704.05(c) states:

"No person who is a holder of a permit issued under division (F) or (G) of section 3704.03 of the Revised Code shall violate any of its terms or conditions."

Mr. Bernard Fleming
Keller Environmental Co., Inc.
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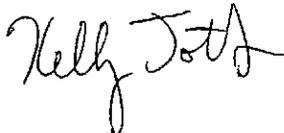
Action Item: Please submit the following compliance plan and schedule outlining an action plan to return Keller Farms to compliance with the terms and conditions of PTI 01-12134.

<u>Milestone</u>	<u>Completion Date</u>
1. The date by which Keller Farms will initiate removal of soil by sweeping or other means to eliminate VE from paved roadways and parking areas:	_____
2. The date by which Keller Farms will maintain a record of the daily inspection of roadways for VE and implementation of a control measure to eliminate VE of particulate matter:	_____

Please submit all of the requested information within thirty (30) days of receipt of this letter. If you have any questions concerning the issues addressed in this letter, you may contact John Kirwin of my staff at (614) 995-0673.

Please note that Ohio EPA has the authority to seek civil penalties as provided in the Ohio Revised Code (ORC) Section 3704.06. Submittal of the compliance plans, schedules, and reports does not constitute a waiver of Ohio EPA's authority to seek civil penalties as provided in ORC section 3704.06. The determination to pursue or decline such penalties in this case will be made by Ohio EPA at a later date.

Sincerely,



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

Attachment: USEPA Method 9 and 22 forms

c: John Kirwin, Environmental Specialist, DAPC/CDO
Isaac Robinson, Manager, DAPC/CDO
John Paulian, Ohio EPA, DAPC/CO

VISIBLE EMISSION OBSERVATION FORM 1

Form Number		Page	Of
Continued on VEO Form Number			

Method Used (Circle One)
 Method 9 203A 203B Other _____

Company Name
 Keller Farms

Facility Name

Street Address
 4270 Graves Rd.

City
 Columbus

State
 OHIO

Zip
 43232

Process
 Soil Screener

Unit #

Operating Mode
 Yes 2 wheel loader

Control Equipment
 NA inherent moisture

Operating Mode
 NA

Describe Emission Point
 Hopper above screen / top of open bed truck

Height of Emis. Pt.
 Start 12 ft End 12 ft Start 10 ft End 10 ft

Distance to Emis. Pt.
 Start 40 ft End 40 ft Start 60° End 60°

Vertical Angle to Obs. Pt.
 Start 16° End _____ Start 260° End 260°

Distance and Direction to Observation Point from Emission Point
 Start 40 ft northeast End 40 ft northwest

Describe Emissions
 Start None End None

Emission Color
 Start Clear End _____

Water Droplet Plume
 Attached Detached None

Describe Plume Background
 Start Blue sky End blue sky

Background Color
 Start Blue End Blue

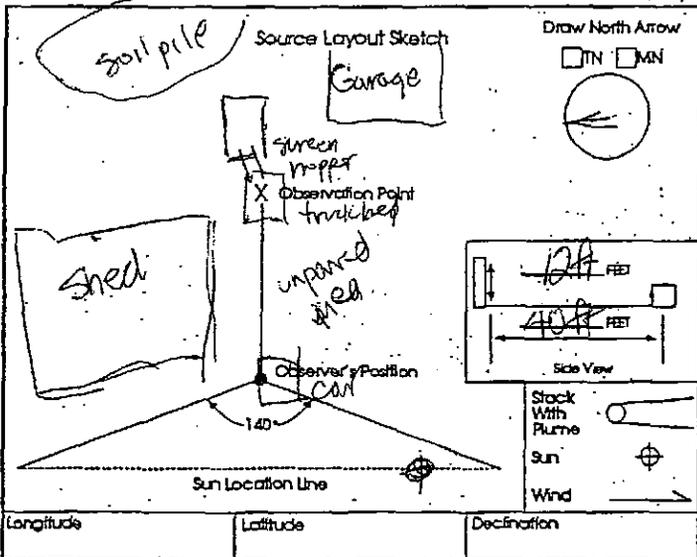
Wind Speed
 Start 10 mph End 10 mph

Wind Direction
 Start south End WSW

Ambient Temp.
 Start 64° End 68°

Wet Bulb Temp.
 Start _____ End _____

Rel Percent



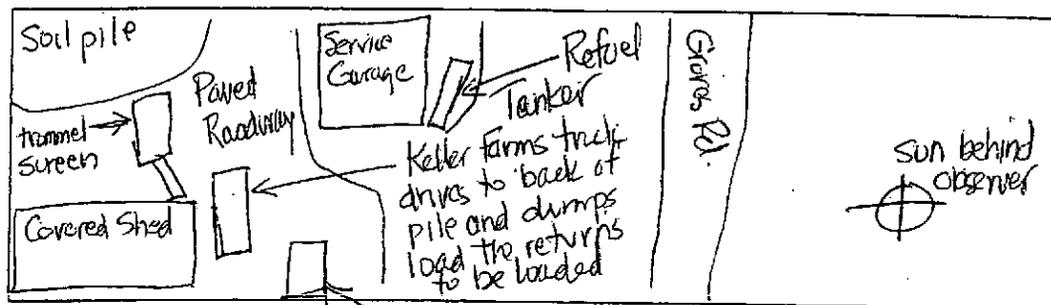
Sec	0	15	30	45	Comments
1	0	0	0	0	Dumping into hopper
2	0	0	0	0	
3	0	0	0	0	
4	0	-	-	-	Truck in way STOP 240
5	0	0	0	0	243 load truck
6	0	0	0	0	
7	0	0	0	0	
8	0	0	0	0	
9	0	0	0	0	248 end truck load
10	0	0	0	0	252 load hopper
11	0	0	0	0	
12	0	0	0	0	STOP 255 PM
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Additional Information
 Visible emission of fugitive dust from road-way due to truck traffic.

FUGITIVE OR SMOKE EMISSION INSPECTION OUTDOOR LOCATION

Company <u>Keller Farms</u> Location <u>4270 Groves Rd</u> Company Rep. <u>End Loader operator</u>	Observer <u>John Kirwin</u> Affiliation <u>Ohio EPA CDO</u> Date <u>5/1/2007</u>
Sky Conditions <u>Clear</u> Precipitation <u>None</u>	Wind Direction <u>S - W empty</u> Wind Speed <u>16 mph</u>
Industry <u>Soil processing & loading</u>	Process Unit <u>Paved Roadway</u>

Sketch process unit: indicate observer position relative to source and sun; indicate potential emission points and/or actual emission points.



OBSERVATIONS	Observer's car Clock time	Observation period duration, min:sec	Accumulated emission time, min:sec
Begin Observation	2:37		
Visible Emissions of fugitive dust resulted from Keller Farms dump truck hauling soil in and returning for screened soil.	2:40	40 sec	40 sec
	2:48	0 sec	
	2:52	35 sec	1 min 15 sec
	2:55	5 sec	1 min 20 sec
Additional visible emissions resulted from Refuel tanker driving around behind garage			
End Observation			

Figure 22-1