



State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, Ohio 43138

TELE: (740) 385-8501 FAX: (740) 385-6490
www.epa.state.oh.us

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

October 30, 2007

Re: Belmont County (Portable)
Lash Paving Plant 3
Facility ID # 0607980001
Warning Letter

Certified Mail # 70063450000190561485

Mr. David Lash, Jr.
Lash Paving
P.O. Box 296
Colerain, OH 43916

Dear Mr. Lash:

On October 4, 2007, Steve Alspach with the Ohio EPA, Division of Air Pollution Control, Southeast District Office, visited Lash Paving Plant #3, a 200 TPH portable drum mix asphalt plant currently located at 101 Service Garage Road in Cadiz, Ohio. Mr. Alspach's visit was prompted by excessive visible emissions that he observed from the asphalt plant stack while he was in the area.

A permit-to-install (PTI), No. 06-07509 covering emissions units P901 (200 TPH asphalt plant), F001 (roadways and parking areas) and F002 (storage piles), was issued for this facility on August 17, 2004. No permits-to-operate (PTOs) have been issued for this facility to date, but PTO applications for these units were received on May 11, 2004 with the PTI application.

During Mr. Alspach's investigation, the following violation of the Ohio Administrative Code (OAC) and the company's PTI was discovered:

- (1) ***Average Visible Particulate Emissions
40 CFR Part 60, Subpart I, OAC rule 3745-31-05(A)(3) and Part II.A.1 of PTI #06-07509 (emissions unit P901)***

The emissions unit shall not discharge into the atmosphere any stack gases which exhibit twenty percent opacity or greater.

Mr. Alspach conducted a Method 9 reading on the Lash Paving Plant #3 asphalt plant stack from 11:10 to 11:33 AM on the day of his site visit. The results of his opacity readings revealed that releases from the stack had opacities ranging between 15 and 35%, with several 6-minute periods with readings above the 20% limit (as a six minute average) required by the rules and requirements of the permit. When Mr. Alspach arrived on site, two operators were looking at the stack, and after discussing the excess emissions, they informed him that they had recognized the problem and were planning to conduct maintenance on the baghouse that weekend. I discussed this problem with you during our telephone conversation on October 10, 2007, and you confirmed that maintenance of the baghouse had been completed and you believed the problem had been resolved.

To prevent visible emissions violations in the future, Lash Paving must ensure that the required daily stack inspections are being conducted, and that any visible emissions in excess of the 20% opacity limit are immediately addressed. Because excess visible emissions have been observed from this plant before by DAPC staff in SEDO, the company should consider evaluating the bags more frequently and replacing any broken bags. The company should also evaluate the bags being used and determine whether they are suitable to control the types of emissions generated in the asphalt plant. The company must inform Ohio EPA of the strategy it will employ to maintain compliance with the visible emissions limit for this plant.

Comments:

- (1) To ensure that Lash Paving has appropriately documented the visible emissions issue identified above, please provide this office with a copy of the inspection logs for this facility for September and October 2007. In addition, please be advised that Part I.A.5 in PTI # 06-07509 and OAC rule 3745-15-06(B) require that the malfunction of any emissions units or associated control equipment that results in violation of any law be reported immediately to Ohio EPA. For any malfunction that continues for greater than 72 hours, a written report meeting the requirements of OAC rule 3745-15-06(B) must be submitted within two weeks of the malfunction. The written report must provide details on the malfunction and the corrective measures implemented to correct the malfunction and associated violations. Ohio EPA will review Lash Paving's daily inspection logs and will notify the company if a violation of the malfunction reporting requirements has occurred.
- (2) A portable crusher was observed in operation on site during Mr. Alspach's site visit. You confirmed that the company had not received a PTI or PTO for this unit based on your understanding that this is an exempted mobile source. During our discussion on October 16, 2007, you indicated that the crusher has a capacity of ~100 tons per hour and is powered by a diesel engine rated at ~250 HP. Based on capacity, the crusher is exempted from the federal New Source Performance Standard in 40 CFR Part 60, Subpart OOO. Further, the crusher is not subject to individual permitting requirements, but is instead covered by the permit-by-rule (PBR) requirements in OAC rules 3745-31-03(A)(4)(a) and (d). A copy of these rules is attached. I have provided your name and telephone number to Ralph Witte, SEDO's representative in the Office of Compliance Assistance and Pollution Prevention (OCAPP). Mr. Witte will be able to assist you in understanding and complying with the PBR for this unit.

Please be advised that the diesel engine may be subject to individual PTI requirements. However, this issue is currently being evaluated by permitting management staff in DAPC's central office, and until a final decision is made, I will postpone requesting that Lash Paving request an individual permit for this portion of the crusher.

Within 30 days of your receipt of this letter, please submit to this office a compliance plan and schedule to demonstrate that Lash Paving has or will take actions to resolve the above-listed violation of Ohio's air pollution regulations. Acceptance by the Ohio EPA

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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) 380-5245 or email kim.reinbold@epa.state.oh.us.

Sincerely,



Kimbra L. Reinbold
Division of Air Pollution Control
Southeast District Office

KLR/mlm

Enclosure

cc: Ralph Witte, OCAPP, SEDO
Steve Alspach, DAPC, SEDO