



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

January 4, 2008

Re: Belmont County
Bellaire Harbor Service, LLC
Facility ID #0607020246
Warning Letter

Certified Mail #70063450000190561898

Robert Harrison
Bellaire Harbor Service, LLC
P.O. Box ~~26~~ 29
Bellaire, Ohio 43906

Dear Mr. Harrison:

On November 29, 2007, Ohio EPA, Division of Air Pollution Control, Southeast District Office visited the Bellaire Harbor Service facility at 6350 Guernsey Street in Bellaire, Ohio. The purpose of the inspection was to determine the facility's status of compliance with state and federal air pollution rules and regulations and the Permit-to-Install (PTI) issued for the air pollution sources at this facility. Mr. Rick Jones represented Bellaire Harbor Service during the inspection.

PTI #06-08063 was issued for this facility on March 9, 2006. Three emissions units are covered under the PTI: F001 for unpaved roadways and parking areas, F002 for coal storage piles, and F003 for coal material handling equipment. Based on the PTI application, these units began operating on or around October 1, 2005, which was when you purchased this facility from Ohio River Salvage. Therefore, operations by Bellaire Harbor Service, LLC began approximately six months prior to issuance of the PTI.

Based on observations during the inspection and a review of Ohio EPA's files on this facility, the following violations of Ohio's air pollution rules have been documented:

**(1) Reporting
Part I.A.2.b. (General Terms and Conditions) and Part II.D. (emissions units F001, F002, and F003) of PTI #06-08063**

Quarterly written reports of any deviations from the terms and conditions specified in the permit must be submitted to Ohio EPA by January 31, April 30, July 31, and October 31 of each year. If no deviations occurred during a calendar quarter, the permittee shall submit a quarterly report stating that no deviations occurred that quarter.

Until November 1, 2007, no quarterly deviation reports were submitted by Bellaire Harbor Service. Mr. Jones was provided a copy of the PTI and instructions on the recordkeeping and reporting requirements in July of 2006. In September of 2007, Ohio EPA became aware that Bellaire Harbor Service was still not submitting

quarterly deviation reports. A copy of the PTI was faxed to you on September 18, 2007, and example recordkeeping and reporting forms were provided to Ms. Michelle Lay via fax on September 20, 2007.

By submitting the 3rd Q 2007 deviation report on November 1, 2007, it appears that Bellaire Harbor Service has resolved this violation. However, please ensure that all required quarterly reports are provided by the deadlines indicated above in the future. Confirmation of compliance with the reporting requirements will occur upon receipt of the 4th Q 2007 deviation report (due January 31, 2008).

Please note that the following occurrences (deviations) must be reported for each of the three emissions units:

- (1) any day during the quarter when a required inspection was not performed;
- (2) any day when a control measure that was deemed necessary based on the daily inspections was not implemented; and,
- (3) any deviations (excursions) from the emissions limitations that have been detected by the testing, monitoring and recordkeeping requirements of the permit.

(2) *Permit-to-Operate (PTO) Application*
OAC rule 3745-35-02(B)(5)

Applications for permits to operate for new sources shall be filed no later than ninety days after commencement of operation.

To date, Bellaire Harbor Service, LLC has never applied for or obtained PTOs for this facility. To resolve this violation, Bellaire Harbor Service, LLC must apply for PTOs for the permitted emissions units at the Bellaire facility. PTO application forms can be found online at <http://www.epa.state.oh.us/dapc/fops/eac/eacforms.html>.

Comments:

- (1) During the inspection, Ohio EPA observed clam shell loading equipment at the site that does not appear to be covered by the PTI for this facility. In addition, Ohio EPA found that Bellaire Harbor Service no longer handles much coal, but instead handles large quantities of scrap metal at this site. Bellaire Harbor Service, LLC must evaluate its operations and determine if these changes have resulted in increased emissions such that a modified PTI for the facility is required. Please inform Ohio EPA of the results of your evaluation, and if a modified PTI is needed, Bellaire Harbor Service, LLC must submit a PTI modification application. The necessary forms can be found at the Internet link listed above.
- (2) Mr. Jones indicated that Bellaire Harbor Service, LLC is considering adding fertilizer unloading operations and equipment at this facility. Please be advised that addition of this type of equipment is likely to increase emissions at the facility and that Bellaire Harbor Service, LLC must obtain a PTI for the facility modification prior to installing or operating the new equipment.

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- (3) During the inspection, the inspection logs that Mr. Jones is keeping were reviewed, and I discussed with him the information that is required to be kept in these logs for each emissions unit. While it appeared the required records were being kept, to assist Mr. Jones and Ms. Lay in complying with the recordkeeping terms and completing the quarterly deviation reports, I have enclosed an example inspection log that covers the monitoring and recordkeeping requirements in PTI #06-08063.

Within 30 days of receipt of this letter, please submit to this office a compliance plan and schedule to demonstrate that Bellaire Harbor Service, LLC has or will take actions to resolve the above-listed violations of Ohio's air pollution regulations. Acceptance by the Ohio EPA 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, please feel free to contact me at (740) 380-5245 or via email at kim.reinbold@epa.state.oh.us.

Please note that staff in Ohio EPA's Office of Compliance Assistance and Pollution Prevention (OCAPP) is available to provide free assistance to Ohio's small businesses in understanding and complying with environmental regulations and obtaining permits. Ralph Witte is SEDO's OCAPP representative, and he should be contacted should you wish to request assistance in responding to this letter. I have enclosed contact information for Mr. Witte and an OCAPP brochure for reference.

Sincerely,



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

KLR/mlm

Enclosure

cc: Ralph Witte, OCAPP, SEDO