



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 1
Facility ID # 0607000183
Complaint Investigation - Warning Letter

Certified Mail #70063450000190561478

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

Dear Mr. Lash:

On October 11, 2007, representatives from the Ohio EPA, Division of Air Pollution Control (DAPC), Southeast District Office (SEDO), visited Lash Paving Plant #1, a 220 TPH portable drum mix asphalt plant currently located at 412 S. 1st Street in Martins Ferry, Ohio. This visit and compliance inspection were prompted by a complaint received in this office on October 1, 2007, reporting that excessive amounts of dust have been emitted from the asphalt plant and associated roadways for the last several months, impacting vehicles parked nearby.

Permits-to-install (PTIs) applicable to this facility include PTI #17-1040, issued on May 20, 1992 and PTI #17-1336, issued on March 15, 1995. The roadways and parking areas (emissions unit F001) are covered by PTI #17-1040, while the asphalt plant (emissions unit P902) and aggregate storage piles (emissions unit F002) are covered by PTI #17-1336. Permits-to-operate (PTOs) for these units were issued on May 29, 1997 and expired on May 29, 2000. PTO renewal applications were received on May 25, 2000 so the expired PTOs remain in effect.

Based on the investigation and file review, the following violation of the Ohio Administrative Code (OAC) and the company's PTOs was discovered:

- (1) **Reporting**
PTO Part I.3.b for Emissions Units P902, F001, F002
PTO Part II.D. for Emissions Unit P902

Quarterly written reports of (a) any deviations from emission limitations, operational restrictions, and control device operating parameter limitations detected by the testing, monitoring, and recordkeeping requirements specified in the permit, (b) the probable cause of such deviations, and (c) any corrective actions or preventive measures which have been or will be taken, shall be submitted to the appropriate Ohio EPA district office. If no deviations occurred during the calendar quarter, the permittee shall submit a quarterly report which states that no deviations occurred during that quarter. The reports must be submitted by January 31, April 30, July 31, and October 31 of each year and shall cover the previous calendar quarter.

For P902, Part II.D. of the PTO requires that semi-annual reports be submitted by January 31 and July 31 of each year which identify any deviations from the RAP limit, fuel sulfur content limit, and allowable pressure drop range for the asphalt plant. The semi-annual reports must cover the preceding six calendar months.

To date, Lash Paving has not submitted any quarterly or semi-annual deviation reports for this facility. The PTIs for the operating units do not contain reporting requirements, but the PTOs do. It appears the company was unaware of the reporting requirements in the PTOs.

To resolve this violation, Lash Paving must, beginning with the quarterly deviation report due on October 31, 2007 covering July through September 2007, begin submitting quarterly reports as required by the PTOs. Further, beginning January 31, 2008, Lash Paving must submit semi-annual reports for the asphalt plant. As you requested during the investigation, I have attached a general outline of the necessary content of the deviation reports based on the PTO requirements.

Comments:

- (1) During the investigation, we evaluated the issue of excessive dust from plant roadways (emissions unit F001) reported by the complainant. There was very little traffic on site during the investigation, but no excess visible emissions were observed. You indicated that the unpaved roadways are treated with MC-70, a dust suppressant chemical, and that the paved roadways are swept regularly; a sweeper truck was observed on site. Further, you stated that the only traffic on the unpaved roadways is the front-end loader moving aggregate from the storage piles to the cold storage bins serving the asphalt plant. You also directed us to the entrance area where the railroad had recently done work on the tracks and showed us the dirt that had been piled around the tracks through which trucks accessing the facility must travel. Apparently the railroad is planning to pave this area but has yet to do so.

Looking at the photos taken during the investigation, it appears there may be a potential for the dragout of dirt or mud from your facility depending on weather conditions. Please be advised that Ohio's air pollution rules and the permits for emissions unit F001 at this facility require that measures be taken to ensure that vehicles traveling on the unpaved roadways do not carry dirt or other materials onto paved surfaces, and that material deposited onto paved roadways (including any that is carried off your property and onto public roadways) be promptly removed to minimize or prevent resuspension of the material. Lash Paving is advised to ensure compliance with these requirements and to document that compliance by maintaining the records outlined in the PTO (Part II.C.) for emissions unit F001.

- (2) Ohio EPA's files indicate that Lash Paving conducted the compliance testing for particulate emissions required by the federal New Source Performance Standards (NSPS) in 40 CFR Part 60 Subpart I on August 26, 1998. That test showed that Plant

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#1 was in compliance with the 0.04 gr/dscf limit (the NSPS standard) in the permit for P902 when the asphalt plant was operating at 139 tons per hour. However, I could not find documentation to show that compliance with the opacity limit established in the NSPS had been demonstrated. The PTO for P902 does not specifically identify this requirement; however, pursuant to the general NSPS in 40 CFR Part 60 Subpart A (Section 60.8), a Method 9 opacity reading must be done within 60 days of achieving maximum production (after installation), but not later than 180 days after initial startup. A copy of the relevant sections of these NSPS rules is attached.

If Lash Paving has conducted the Method 9 performance test required by the NSPS at Plant #1, please provide this office with a copy of the test report. If the company has not done this testing, arrangements must be made to conduct this testing prior to the end of this asphalt season provided the plant will continue to operate this year. Otherwise, the testing must be done as early in the 2008 construction season as production allows. The company's plans for this testing must be conveyed to Ohio EPA in writing in response to this letter.

- (3) As we discussed during the site visit, the permits for this plant and Ohio air pollution rules contain specific reporting requirements for malfunctions. Malfunctions are defined in OAC rule 3745-15-06(B) as any breakdown of process or pollution control equipment that results in violation of any applicable law. An example of an asphalt plant malfunction would be when bags fail in a baghouse, resulting in visible emissions in excess of the limit established in the permit. For Lash Paving Plant #1, this limit is an opacity less than 10% as a six-minute average. Based on your and the complainant's observations in early October, visible emissions exceeded the 10% limit for several days in early October due to the failure of several bags in the baghouse. After I contacted you about the complaint, you did report back that there were baghouse problems and that the company was in the process of correcting the problem.

Please note that in addition to the requirement to immediately provide verbal notification to Ohio EPA when malfunctions occur, a written report must be submitted within 2 weeks of the malfunction whenever a malfunction event lasts for more than 72 hours. Inspection logs reviewed during the investigation revealed unacceptable visible emissions during the first four days of October. In order to determine if a written malfunction report was required, please provide this office with documentation of the duration of the early October baghouse malfunction. If your records indicate this malfunction lasted longer than 72 hours, please provide a written malfunction report that meets the requirements of OAC rule 3745-15-06(B), attached.

- (4) Part II.B.1. of the PTO for emissions unit P902 limits recycled asphalt product (RAP) content in the raw material mix to 10% or less. Based on the records available and discussion with you and the plant operator, it appears that Lash Paving Plant #1 may on occasion use RAP in excess of the 10% permit limit; however, to fully evaluate this issue, please provide records that detail the raw material used in this plant during the 2007 season.

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As we discussed, because Ohio EPA has allowed other asphalt plants to use up to 50% RAP without significant increases in emissions limits, the agency would be amenable to modifying the PTI for Plant #1 to allow RAP use up to that percentage if the company needs that flexibility. This change would constitute an administrative modification of the permit and would only require you to submit a letter requesting the change. Be advised a permit modification fee would apply should you choose to pursue this.

Within 30 days of your receipt of this letter, please submit to this office a compliance plan and schedule and all other information requested above 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 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

Enclosures

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