



State of Ohio Environmental Protection Agency

Southeast District Office

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

June 27, 2007

Re: Belmont County (Portable)
Lash Excavating & Paving Plant 2
Facility ID # 0607000187
Complaint Investigation - Warning Letter

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

Dear Mr. Lash:

On May 31, 2007, Sarah Harter and Laura Stalder with Ohio EPA's Division of Air Pollution Control (DAPC), Southeast District Office, investigated a complaint regarding excess visible emissions at the Lash Excavating & Paving Plant 2 located one mile south of Empire on CR 7F (Jefferson County). The investigation was conducted to determine the facility's status of compliance with state and federal air pollution rules and regulations and the terms and conditions of the company's air permit that regulate visible emissions from the asphalt plant stack. Les Starkey, the plant operator, represented Lash Excavating & Paving during the investigation.

Lash Excavating & Paving operates a portable asphalt plant at this location (P903) that is permitted at 200 tons per hour. A permit-to-install (PTI), No. 17-1543, was issued for this facility on April 30, 1997 (modified August 5, 1998). No permits-to-operate (PTOs) have been issued for this facility although applications were received on January 28, 1997.

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

- (1) **Average Visible Particulate Emissions**
OAC rule 3745-17-07(A)(1)(a) and Additional Special Term and Condition (P903),
page 8 of 10 of PTI # 17-1543

Visible particulate emissions from any stack shall not exceed twenty percent opacity, as a six-minute average.

From 12:00 to 12:09 P.M. on the day of the investigation, prior to plant shut down, Ohio EPA staff conducted a Method 9 reading to determine the average opacity of the emissions from the asphalt plant stack. This reading documented a 6-minute average opacity of 22.1%, in excess of the 20% allowed by Lash Excavating & Paving's permit and the Ohio rule.

This problem was discussed with the plant operator, who indicated that maintenance on the wet scrubber had occurred the previous day and that the equipment was operating as well as it could. It was also noted that the plant was operating at ~50-70 tons per hour, far below the plant maximum permitted rate of 200 tons per hour. The maximum rated operating capacity of this asphalt plant was stated to be 100 tons per hour with a maximum achieved rate of ~90 tons per hour. Ohio EPA is concerned that: (1) the company may be unable to meet the opacity limit at operating rates higher than 50-70 tons per hour; and (2) the permit limits for this plant, based on a 200 ton per hour operating capacity, are not appropriate.

During our telephone conversation on June 4, 2007, you indicated that the emissions witnessed on May 31st were during shut down operations and that the particulate observed was due to temporary releases of soot from the scrubber stack. Further, you indicated that the plant has the ability to operate at rates higher than the rated operating capacity when conditions allow, so your company had requested permits for its plants based on a higher throughput rate than the manufacturer's specifications.

To resolve the opacity issue, Lash Excavating & Paving must evaluate the cause(s) of the excess opacity and must take all steps necessary to minimize or eliminate any abnormal visible emissions in excess of the 20% opacity as a six-minute average. In the compliance plan and schedule requested below, the company must identify the actions it will take to prevent visible emissions violations in the future.

To address the permitting issues, please see Comment #1 below.

Comments:

- (1) Permit issues.
 - (a) As detailed above, Lash Excavating & Paving normally operates Plant 2 well below the permitted operating rate of 200 tons per hour. Although the plant average operating rate was listed as 80 tons per hour in the permit application, the permit limits were based on 200 tons per hour maximum rate. If this plant is never operates at or near the maximum rate, the applicable emissions limits may be higher than necessary; further evaluation of true plant capacity is needed to determine this. Please provide Ohio EPA with manufacturers' or other data to demonstrate that Plant 2 is truly capable of operating at or near 200 tons per hour.
 - (b) Ohio EPA was informed that some of the asphalt mixes produced at Plant 2 contain slag. Please be advised that the agency has reason to believe, based on similar facility performance tests, that SO₂ emissions increase significantly when slag is used in the asphalt mix, and that as a result, the limits established for SO₂ may be exceeded. During our June 4, 2007 call, you indicated that you thought

slag use had been identified in the permit-to-install application for this plant. I have reviewed the PTI application on which PTI No. 17-1543 was based, and have been unable to find any reference to slag in the raw materials list in the Emission Activity Category (EAC) forms.

To resolve this issue and to also address the operating rate issue identified in 2.a above, Ohio EPA requests, pursuant to OAC rule 3745-15-04(A), that Lash Excavating & Paving conduct emission testing of the asphalt plant (P903) in order to verify that the plant is in compliance with allowable emission limitations while using slag mixes and while operating at the maximum achievable production rate. Also, please note that Ohio EPA is planning to require, prior to issuance of permits-to-operate (PTOs), updated emissions testing for all pollutants at all asphalt plants that have not been tested in the last three years to confirm compliance w/ current permit limits, so the testing of Plant 2 being requested now for all pollutants will serve that purpose.

Emission testing for P903 shall be conducted in accordance with the following requirements:

- (1) The emission testing shall be conducted within 30 production days following receipt of this letter.
- (2) The emission testing shall be conducted to demonstrate compliance with the allowable mass emission rates for PE, VOC, CO, NO_x, and SO₂.
- (3) The following test method(s) shall be employed to demonstrate compliance with the allowable mass emission rate(s):

for PE, Methods 1-5 of 40 CFR Part 60, Appendix A;
for NO_x, Methods 1-4 and 7 or 7E of 40 CFR Part 60, Appendix A;
for SO₂, Methods 1-4 and 6 or 6C of 40 CFR Part 60, Appendix A;
for CO, Methods 1-4 and 10 of 40 CFR Part 60, Appendix A; and
for VOC, Methods 1-4 and 25 and/or 18 of 40 CFR Part 60, Appendix A.

If Method 25 is used, the hourly VOC emission rate for the required emission test shall be calculated in accordance with OAC rule 3745-21-10(C)(7), where the average molecular weight of the VOC emissions equals 16, (i.e., the carbon emission rate from the testing shall be converted to VOC emissions by multiplying the carbon emission rate by 16 and dividing by 12). Alternative U.S. EPA-approved test methods may be used with prior approval from Ohio EPA.

- (4) The test(s) shall be conducted while the emissions unit is operating under the following conditions:

- i. at or near the maximum achievable production rate while employing slag; and
 - ii. at or near its maximum capacity while employing a mix of slag and RAP that represents the worst case condition for each affected pollutant. Lash Excavating & Paving shall demonstrate in the "Intent to Test" what represents worst case conditions for each pollutant. The worst case conditions employed during the test(s) shall be pre-approved by the Southeast District Office.
 - (5) Not later than 15 days prior to the proposed test date(s), Lash Excavating & Paving shall submit an "Intent to Test" notification to the Southeast District Office. The "Intent to Test" notification shall describe in detail the proposed test methods and procedures, the emissions unit operating parameters, the time(s) and date(s) of the test(s), and the person(s) who will be conducting the test(s). Failure to submit such notification for review and approval prior to the test(s) may result in Southeast District Office's refusal to accept the results of the emission test(s).
 - (6) Personnel from the appropriate Ohio EPA District Office or local air agency shall be permitted to witness the test(s), examine the testing equipment, and acquire data and information necessary to ensure that the operation of the emissions unit and the testing procedures provide a valid characterization of the emissions from the emissions unit and/or the performance of the control equipment.
 - (7) A comprehensive written report on the results of the emission test(s) shall be signed by the person or persons responsible for the tests and submitted to the Southeast District Office or local air agency within 30 days following completion of the test(s). The permittee may request additional time for the submittal of the written report, where warranted, with prior approval from the Southeast District Office.
- (2) Stack/performance testing.

I have been unable to find documentation in our files to confirm that Lash Excavating & Paving has performed the stack testing for particulate and SO₂ that is required by the company's PTI and the federal New Source Performance Standards (NSPS) performance testing for opacity required by 40 CFR Part 60. If this testing has been completed, please provide the stack test report(s) with your response to this letter. If the testing has not been completed, the company would be in violation of these testing requirements; however, the testing required in Comment 1.b. will be sufficient to resolve the violation. Requirements for the NSPS testing are in the federal rules are covered in

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Sections 60.7 and 60.8 of 40 CFR Part 60 Subpart A which can be accessed at <http://frwebgate.access.gpo.gov/cgi-bin/get-cfr.cgi?YEAR=1997&TITLE=40&PART=60&SECTION=&SUBPART=A&TYPE=TEXT>. If testing to meet the requirements of the company's original PTI and the NSPS is required, please confirm the company's plan to conduct the testing in response to this letter.

Within 30 days of your receipt of this letter, please submit to this office a compliance plan and schedule to demonstrate that Lash Excavating and Paving 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, 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