



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

November 8, 2010

**RE: Perry County
Carmuese Lime and Stone
Facility Id #:0664000087
EU #: P907
Notice of Violation (HPV – GC8, MC5)
Certified: 70101060000178960446**

Mr. Doug Snider
Carmuese Lime and Stone
2446 Glassrock Road
Glenford, OH 43739

Dear Mr. Snider:

On October 21, 2010, Joseph Laughery and I conducted a complaint investigation at Carmuese Lime and Stone (Carmuese), 2446 Glassrock Road, Glenford, Ohio concerning silica sand found on public roadways leading in and out of the plant. I would like to thank you for the assistance you provided us during our inspection. Our findings from the inspection and requests for more information are summarized below. Please provide the requested information to this office within 30 days from the receipt of this letter.

During the inspection of the roadways, we observed emissions unit (EU) 907, the steel sand dryer stack, emitting an opacity that appeared higher than the permit allowable of 20% as a 6-minute average. I performed a 40 CFR Part 60, Appendix A, U.S. EPA Method 9 test and determined the opacity was 34.375 percent as a 6-minute average. This is a violation of OAC rule 3745-17-07(A) and the terms and conditions of your Title V facility's permit.

We observed that portions of County Road 36 (Sand Rock Rd.) and County Road 92 (Glass Rock Road) near the plant were completely covered with silica sand from Carmuese causing drag out onto State Route 204. The complainant has indicated in complaints that the fugitive dust has caused a decrease in the enjoyment of their property and alleged negative health effects, which may be determined to be a nuisance as defined in OAC 3745-15-07. If the fugitive dust associated with the facility is deemed a nuisance by Ohio EPA, legal action may be taken. It is Ohio EPA's recommendation that the facility be proactive in this situation and attempt to resolve the complaints.

After discussing the complaint, you indicated many facility upgrades are in various stages of planning and will impact or correct the noted violation. Please provide more detail regarding the facility improvement that will impact the violation and fugitive dust complaint. Please submit to this office, within 30 days of receipt of this letter, a plan and schedule for achieving compliance. Submit this plan to the attention of Marco Deshaies. Please refer any questions concerning the above requirements to Marco Deshaies, Ohio EPA Southeast District Office, at (740) 380-5255.

Mr. Doug Snider
Carmuese Lime and Stone
November 8, 2010
Page 2

Acceptance by Ohio EPA of a compliance plan and schedule does not constitute a waiver of Ohio EPA's authority to seek civil penalties as provided in Section 3704.06 of the Revised Code. The determination to pursue or to decline to pursue such penalties in this case will be made by Ohio EPA at a later date.

Thank you for your cooperation in this matter.

Sincerely,



Marco Deshaies
Environmental Specialist
Division of Air Pollution Control

MC/mlm

Enclosure

cc: Joseph Laughery, DAPC-SEDO (Emissions Unit File Copy)
Marco Deshaies, DAPC-SEDO
Bruce Weinberg, DAPC-SEDO
William MacDowell, U.S. EPA, Region V
Tom Kalman, DAPC-CO
Jim Orleman, DAPC-CO
Test Report File Copy