OhioEPA
State of Ohio Environmental Protection Agency

Southeast District Office

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

August 23, 2007

RE: Muskingum County
TriSon Concrete
McNeilus Concrete Plant,
Zanesville Plant #2, and
Zanesville Plant #6
Facility ID: 0660970002,
0660970004 and
0660970006

Mr. Stan Archer
General Manager
Sidwell Materials, Inc.
4620 Limestone Valley Road
Zanesville, Ohio 43701

Subject: Notice of Violation

Dear Mr. Archer:

This letter concerns issues found after reviewing records for Sidwell's concrete plants listed above and issues found during an inspection conducted by Laura Stalder and me on August 14, 2007 at the McNeilus Concrete Plant located on Guernsey Street in Bellaire, Ohio. Please respond to requests made in this letter by **September 31, 2007**.

McNeilus Concrete Plant (Facility ID 0660970002)

During my site visit, I spoke with Mr. John Leonard and several other Sidwell employees. I would like to thank them for their assistance during my inspection. Inspection records were reviewed on site and on August 17, 2007, at Sidwell's headquarters in White Cottage, Ohio. Inspection records for the concrete batch plant indicate that visible emissions (grey in color) have been observed exiting the batch plant. The plant operator explained that, depending on the wind, visible emissions are observed during loading of mix trucks.

Permit to Install (PTI) 06-07573 issued July 29, 2004, for this plant states that, "A shroud shall be used to the extent possible and vented to a fabric filter in order to minimize or eliminate visible emissions of fugitive dust from mix truck loading". Mr. Leonard indicated that Sidwell is planning to make improvements to this plant to address the particulate emissions being emitted during the loading of mix trucks. After reviewing records, it appears that visible emissions have been observed from this plant going back to August 2005. Please submit a summary of the planned improvements at the plant and explain why it appears to have taken Sidwell at least two years to address this problem.

In addition, records at the plant indicate that inspection logs have properly identified days when visible fugitive emissions were observed from the plant. Plant personnel indicated that these inspection logs are sent to Sidwell Materials' headquarters in White Cottage at the end of each month so that reports can be completed and submitted to Ohio EPA in accordance with the permit. However, after reviewing the quarterly reports submitted by Sidwell since the issuance of PTI 06-07573, no reports have been submitted that identify the days during which visible fugitive particulate emissions were observed from the emissions unit. Failing to report in accordance with your permit is a violation of OAC rule 3745-15-03; and, furthermore may constitute a violation of Ohio Revised Code (ORC) 3704.05(H)(1), which states that no person shall "falsify any plans, specifications, data, reports, records, or other information required to be kept or submitted to the director by this chapter or rules adopted under it." Please submit an explanation as to why Sidwell has failed to identify days when visible particulate emissions were noted in the inspection logs submitted by plant personnel and include a plan to increase the accuracy of your reports. Also, please review the facility inspection logs for Tri-Son Concrete Zanesville Plant #2 and Tri-Son Concrete Zanesville Plant #6 to determine if submitted reports have been in compliance with the applicable permits.

TriSon Concrete Zanesville Plant #2 (Facility ID 0660970004)

After reviewing files, it has been determined that there are no roadway and parking area permits for this plant. SEDO does not have any record of applications for roadways and parking areas submitted by Sidwell. Please provide the following:

1. Permit to Install and Permit to Operate applications by the deadline indicated above.

2. The dates and locations where this plant has operated since Sidwell purchased it in May 2004.

TriSon Concrete Zanesville Plant #6 (Facility ID 0660970006)

After reviewing files, it has been determined that there are no permits for roadways and parking areas, or stockpiles and material handling associated with stockpiles. Please submit Permit to Install and Permit to Operate applications by the deadline above.

Records Retention

On my visit to Sidwell's headquarters on August 17, 2007, I requested to review records for the McNeilus Plant. At that time, only records going back to 2005 were available. PTI 06-07573 states that records required to be maintained per the permit should be retained for 5 years. On August 21, 2007, I received an email from Sidwell stating that they are unable to locate records going back to August 2002. The failure of Sidwell to retain records for the time period from July 29, 2004 to July of 2005 is a violation of the general terms and conditions Part I.A.3 of PTI 06-07573 and OAC rule 3745-15-03. Please evaluate how far back your records retention extends for each of your portable units and submit the results of this audit to me by the deadline above.

Acceptance by the Ohio EPA of your explanation 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 740-380-5299.

Sincerely,

Michael Carper

Michael Carper
Environmental Specialist II
Division of Air Pollution Control

MC/jg