



State of Ohio Environmental Protection Agency

Southeast District Office

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

September 8, 2010

RE: Muskingum County
Sidwell Materials, Inc.
Facility ID: 0660970002
Tri-Son Concrete – Bellaire
Notice of Violation

Mr. Drake Prouty
Sidwell Materials, Inc.
4620 Limestone Valley Road
Zanesville, Ohio 43701

RE: Compliance Issues Observed on July 27, 2010

Dear Mr. Prouty:

On July 27, 2010, Kimbra Reinbold and Taylor Carpenter with the Division of Air Pollution Control, Southeast District Office were driving on Guernsey Street in Bellaire, Ohio when they noted that significant amounts of dust were escaping from a bin vent located on one of the material silos at the concrete plant. A delivery of material was being moved pneumatically from the tanker truck to the silo. It was discovered that the delivery truck was attempting to completely empty his truck into the silo, which overloaded the silo. It appears from the discussion between Kimbra Reinbold, the truck operator, and the plant operator, Dave Weekley, that the overloading of the silo(s) has occurred on a frequency that warrants corrective action(s).

Permit-to-Install 06-07573, issued on July 29, 2004, for the concrete batch plant (P901) contains the following requirement under the best available technology (BAT) determination:

“The bin vent filter shall achieve an outlet emission rate of not greater than 0.030 grain of PE per dry standard cubic foot of exhaust gases, combined, or there shall be no visible emissions from the outlet, whichever is less stringent.”

Photos of the facility at the time of the July 27, 2010 event show that there were visible emissions from the outlet of the silo's bin vent. The release of visible particulate emissions from the bin vent without demonstrating that the particulate emissions were equal to or less than the 0.030 grain per dry standard cubic foot of exhaust gases emission limitation is a violation of the concrete batch plant's BAT determination under Ohio Administrative Code rule 3745-31-05(A)(3).

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On September 1, 2010, I visited the facility to follow-up on the corrective actions that Mr. Weekley had told the inspectors he would complete (i.e., repairing the filters and cleaning up the discharged material from the area around the silo). Mr. Weekley indicated that the filter issues had been addressed and it appeared that the area around the silo had been cleaned up. Mr. Weekley also indicated that several administrative and design changes were going to be implemented to minimize the chances that a similar event would occur again. Please provide the list of corrective control measures that Sidwell Materials will be implementing or that have been implemented to ensure that the silo and bin vents are operated properly and comply with the applicable permit requirements. The corrective measures and schedule for implementing any control measures that have not already been addressed should be submitted to this office by September 30, 2010.

Acceptance by Ohio EPA of a schedule to implement control measures does not constitute a waiver of 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 Ohio EPA at a later date.

If you have any questions, please feel free to contact me at 740-380-5299 or at michael.carper@epa.state.oh.us

Sincerely,



Michael Carper
Environmental Specialist 2
Division of Air Pollution Control

MC/mlm

cc: Tom Kalman, Ohio EPA, Central Office
Lisa Holscher, U.S. EPA, Region V
Bruce Weinberg, Ohio EPA, Southeast District Office