

SIDWELL
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State of Ohio Environmental Protection Agency

Southeast District Office

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

June 10, 2008

RE: Muskingum County
Sidwell Materials, Inc.
Facility IDs: 0660950012, 0660950013,
0660950045, and 0660950027

CERTIFIED: 70063450000190562628

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

SUBJECT: Notice of Violations

Dear Mr. Archer:

On May 21, 2008, I visited both your offices on Limestone Valley Road to review records and the Duplar Pit to view the Hazmag Crusher and the 4424 Simplicity Screener. I would like to thank you, Connie Lyons, and Jim Urban for assisting me during my inspection. The purpose of my inspection was to determine your facilities' compliance status with federal and state air pollution rules and regulations. Based upon my site visit, and records and file review, the following violations have been discovered:

4424 Simplicity Screening Plant (0660950045)

This facility was not operating during my site visit to the Duplar Pit. According to records reviewed, the last day that this facility was operated was May 19, 2008. Records were not being kept in accordance with PTI 06-08272 issued on June 14, 2007. The following deficiencies in record keeping should be addressed:

- 1) The terms and conditions found in PTI 06-08272 for emissions units F001 (Part II.C.1) and F002 (Part II.C.1-3), require that daily inspections be completed. Multiple dates are missing from the records. Currently, the method for recordkeeping at this facility is to only record inspection results for days when the plant is operating. In the future, you should record the dates that the plant does not operate so that it can be determined that no inspections were needed on that date.
- 2) The terms and conditions found in PTI 06-08272 for emissions units F001 (Part II.C.3.d) and F002 (Part II.C.6.d), require that, for each calendar quarter, the total number of days the control measures were implemented and the total number of days where precipitation was sufficient to not require control measures be recorded. At this time, no totals are being kept.

- 3) No records are being kept for emissions unit P901. During my visit, Ms. Lyons indicated that this was an oversight. Please begin monitoring and recording your inspections for this emissions unit in accordance with PTI 06-08272. In addition, deviation reports required by the permit (Parts I.A.2.b and Part II.D.1.a) and submitted on June 26, 2007, October 30, 2007, January 29, 2008, and April 28, 2008 did not include the notice of failure to record inspections in accordance with the permit requirements. The failure to monitor and failure to correctly report deviations from the permit terms and conditions are a violation of OAC rule 3745-15-03.
- 4) In accordance with 40 CFR 60, Subpart OOO, reports are to be submitted to the Southeast District Office and Ohio EPA's Permit Management Unit in Columbus. These reports are to notify the Agency of the dates that the facility is constructed, actually begins operation, and when performance tests are completed. Please review the requirements of Emissions Unit P901, Part II.D.5. to ensure that reporting has been completed in accordance with the federal requirements.

Eljay Crusher (0660950012)

This facility was not in operation at the time of my inspection. According to your records, the last time that this facility was operated was on October 12, 2007. Records available at your office were reviewed for the Eljay Crusher. I was provided a copy of records from April 2006 to August 2006 during my visit and a copy of inspection records from May 1, 2007 to October 12, 2007 after my inspection. After reviewing these records, it appears that records were not being maintained in accordance with PTI 06-07964 issued on June 22, 2006. Failure to maintain records in accordance with your permits is a violation of OAC rule 3745-15-03. In addition, the records provided for my review prior to June 22, 2008 were for PTI 06-06919 issued for the CEC-Minyu Crusher (Facility ID 0660950013). The following issues were found and these deficiencies should be addressed:

- 1) The terms and conditions found in PTI 06-07964 for emissions units F001 (Part II.C.3.d), F002 (Part II.C.6.d), and P901 (Part II.C.6.d), require that, for each calendar quarter, the total number of days the control measures were implemented be recorded. In addition, for emissions units F001 and F002 the total number of days where precipitation was sufficient to not require control measures must be recorded. At this time, no totals are being kept. Please carefully read the monitoring section of your permit to determine what must be recorded in order to comply with the terms of your permit.
- 2) In accordance with Part II.C.6 of PTI 06-07964, records must be kept separately for each material handling operation identified in Part II.A.2.g of emissions unit P901. Records for material handling were not kept in accordance with your permit from June 22, 2006 (effective date of PTI 06-07964) to August 25, 2006 (last day of operation in 2006) and from May 1, 2007 (first day of operation in 2007) to October 12, 2007 (last day of operation in 2007). Separate records were not maintained for inspections on the following materials handling operations:

- Feeder/hopper to Crusher
 - Crusher to Conveyor
 - Conveyor to Stacker(s)
 - Stacker(s) to Storage Piles
- 3) No records were completed for roadways (F001) from June 22, 2006 to August 25, 2006 as required by Part II.C.1-3 of the permit.
 - 4) For storage piles (F002), Part II.C.1-6 of PTI 06-07964 also requires that records of inspections be maintained for load-in, load-out, and wind erosion from the storage piles; however, there are no records for storage pile inspections from June 22, 2006 to August 25, 2006 and from May 1, 2007 to July 31, 2007. In order to comply with your permit, separate records must be maintained for load-in, load-out, and wind erosion inspections (Part II.C.1-3).
 - 5) In accordance with 40 CFR 60, Subpart OOO, reports are to be submitted to the Southeast District Office and Ohio EPA's Permit Management Unit in Columbus. These reports are to notify the Agency of the dates that the facility is constructed, actually begins operation, and when performance tests are completed. Please review the requirements of Emissions Unit P901, Part II.D.5. to ensure that reporting has been completed in accordance with the federal requirements.
 - 6) While on-site, I asked for receipts of fuel received. PTI 06-07964 for the Eijay Crusher requires in Part II.C.1, that documentation be maintained of the sulfur content of all diesel fuel received. Part II. C.5.b also requires monthly records to be kept of the BTU content of all fuels received. The documentation you provided from your supplier was received as a one-time statement that diesel fuel will have the proper sulfur and BTU content. The records must be maintained as required in the permit (i.e., monthly and for each load of fuel received).

Tri-Son Screen Plant (0660950006)

This facility was not in operation at the time of my inspection. The facility was last operated on May 17, 2007 for testing in accordance with NSPS Subpart OOO. The facility has not operated at any other time from 2006 to 2008. While looking at the layout for the recordkeeping sheet for the emissions units at this facility, I noticed that there is no area to record the calendar totals required by PTI 06-07965 (Part II.C.6.d). Please review the PTI to ensure that you are correctly monitoring the emissions units as required when they begin operating again. The following reporting deficiency was noted during my file review:

- 1) In accordance with 40 CFR 60, Subpart OOO, reports are to be submitted to the Southeast District Office and Ohio EPA's Permit Management Unit in Columbus. These reports are to notify the Agency of the dates that the facility is constructed, actually begins operation, and when performance tests are completed. Please review the requirements of Emissions Unit P901, Part II.D.5. to ensure that reporting has been completed in accordance with the federal requirements.

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Hazmag Crusher (0660950027)

The facility was operating during my inspection. I conducted a Method 9 reading on the crusher. PTI 13-03440 issued on June 28, 2001, allows the facility to have a 10% opacity from the crusher. The six minute average opacity reading at the time of my inspection was 8.75%. The crusher appears to be in compliance with the emissions limitation. The following monitoring, recordkeeping and reporting deficiencies were noted during my inspection:

- 1) Records were reviewed and it was observed that there is no area to record the calendar totals required by PTI 13-03440 for emissions units F001 (Part III.A.III.4.d), F002 (Part III.A.III.7.d), and P901 (Part III.A.III.4.d). Please review the PTI to ensure that you are correctly monitoring the emissions units as required.
- 2) The terms and conditions found in PTI 13-03440 for emissions units F001 (Part III.A.III.1) and F002 (Part III.A.III.1-3) require that daily inspections be completed. Multiple dates are missing from the records. Currently, the method for recordkeeping at this facility is to only record inspection results for days when the plant is operating. In the future, you should record the dates that the plant does not operate so that it can be determined that no inspections were needed on that date.

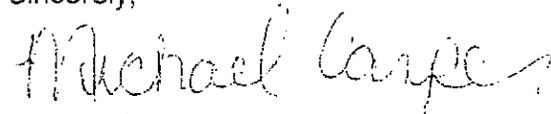
Return to Compliance

In order to address the lack of monitoring and recordkeeping found during my inspection, I am requesting that Sidwell conduct an audit of its recordkeeping systems for all portable aggregate plants and generators to ensure accuracy and completeness of records in the future. Please submit results of your audit to me by **July 30, 2008**.

Acceptance by the Ohio EPA of the above requested information 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 have any questions, please feel free to contact me at 740-380-5299 or michael.carper@epa.state.oh.us

Sincerely,



Michael Carper
Environmental Specialist 2
Division of Air Pollution Control

MC/mlm