OhioEPA

State of Ohio Environmental Protection Agency

Southeast District Office

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

June 9, 2008

Re: Muskingum County
Mar-Zane Plant #24, Mar-Zane Gen. 7, and Mar-Zane Gen. 8
Facility IDs # 0660010242, 0660960062, and 0660960063
Inspection-Warning Letter

Certified: 70063450000190562611

Tony Ruggiero
Mar-Zane Materials, Inc.
PO Box 1585
Zanesville, OH 43701

Dear Mr. Ruggiero:

On May 13, 2008, I performed an inspection of the Mar-Zane Plant #24, Mar-Zane Generator #7, and Mar-Zane Generator #8 in Akron, Ohio. The inspection was conducted to determine the facilities' compliance with state and federal air pollution rules and regulations. I would like to thank Mr. Hank Ailes, Plant Manager, for his assistance during my inspection and you for your assistance after my inspection. The asphalt plant was not operating while I was on site due to a breakdown of the scales. The two generators were not in operation because the plant began receiving commercial power on July 20, 2007.

Mar-Zane Generators #7 and #8

Based on my inspection, file review, and reports submitted by Mar Zane, the generators on site appear to be in compliance with their appropriate permits.

Mar-Zane Plant #24

Based on my inspection, file review, and reports submitted by Mar-Zane, the following violations have been discovered:

P901- 400 TPH Drum Mix Asphalt Plant

(1) According to the daily log kept by plant personnel, several loads of used oil were accepted but there were no corresponding analyticals, and in some cases, no bill of lading for the delivery. Part II.C.2 of PTI 06-06486 requires that a chemical analysis accompany each shipment of used oil received on site. Failure to maintain records required by your permit is considered to be a violation of OAC rule 3745-15-03 and

ORC 3704.05(C). Please provide copies of the following bills of lading and analyticals:

Date	Ticket No.	Gallons Received
4/20/07	4638	6,050
6/19/07	5775	5,521
6/22/07	4682	4,180
6/26/07	4685	6,140
7/12/07	5777	6,104
7/16/07	6300	6,150
7/18/07	6304	4,800
7/19/07	6308	6,050
7/24/07	6310	6,025
7/26/07	6313	6,520
11/3/07	6450	6,050
11/6/07	5363	6,296
11/9/07	6458	6,025

(2) Review of records onsite revealed that from the period of October 21, 2006 to November 20, 2006, the pressure drop across the baghouse was less than 3.0 inches of water. The operational limit in PTI 06-06486 issued on December 26, 2003 is 3.0-8.0 inches of water. These deviations should have been reported in the fourth quarter deviation report (see enclosed) submitted to Ohio EPA on February 12, 2007; however, no deviations were noted in the report. Please be aware that Ohio Revised Code (ORC) 3704.05(H)(1) 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."

After November 20, 2006, the pressure drop returned to the permitted operating range and has remained there according to the facility's records. Please provide this office with records and an explanation of any maintenance completed or actions taken by Mar-Zane to return the pressure drop to the permitted operating range.

(3) The review of the inspection logs revealed that the application of water to the roadways(F001) is not being recorded as required by Part II.C.4.b of PTI 06-06124. Please review with plant personnel that the dates that controls are implemented must be recorded in accordance with your permit.

Please submit the above requested information by **July 19, 2008**. 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.

As communicated to you during our telephone conversation on May 14, 2008, in order to complete my inspection, I need to conduct Method 9 and Method 22 readings on the asphalt plant and supporting emissions units. I hope to complete those readings during the proposed testing date at the end of June. Please let me know if this testing will not occur, and if not, please provide me with several dates when the asphalt plant will be operating.

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 or email michael.carper@epa.state.oh.us.

Sincerely,

Michael Carper

Michael Carper
Environmental Specialist 2
Division of Air Pollution Control

MC/mlm

Enclosure