



State of Ohio Environmental Protection Agency

Southeast District Office

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Logan, OH 43138

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Bob Taft, Governor
Bruce Johnson, Lieutenant Governor
Joseph P. Koncelik, Director

January 8, 2007

RE: Muskingum County
Mar-Zane Materials, Inc.
Mar-Zane Plants #3 and #13
0660010023 and 0660000081
NOV

Certified: 70051820000812621902

Mr. Anthony Ruggiero
Mar-Zane Materials, Inc.
3570 S. River Rd.
PO Box 1585
Zanesville, OH 43702

Dear Mr. Ruggiero:

This letter is to inform you that we are in receipt of your December 14, 2006 letter and attachments. The letter was sent in response to a request by this office for inspection records for the above-mentioned asphalt plants. On October 31, 2006, this office received deviation reports that did not report the lack of record keeping that was discovered on July 20, 2006 during facility inspections. Those deviations were noted in subsequent inspection letters sent to your attention.

Emission units which require daily inspections, such as those noted in my November 13, 2006 letter, also require that the results of those inspections be recorded on a daily basis. In your December 14, 2006 letter, you explain that daily inspection logs are submitted to you each quarter by the plant foremen. You further explain that logs submitted by the foremen at plants #3 and #13 were complete when submitted to you because the plant foremen "caught up on their paperwork" after Sarah Harter and I discovered several missed days of recordkeeping. This practice is not an acceptable way to complete the recordkeeping requirements of your permits. 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."

The revised quarterly reports that you submitted on December 14, 2006 will be placed with the reports submitted on October 31, 2006 in our files. Acceptance by the Ohio EPA of these revised reports 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.

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Please reiterate to Mar-Zane's plant foremen the importance of recording inspections daily in order to ensure future compliance with applicable state and federal air pollution control laws. Mar-Zane should strive to ensure that all inspections and records are completed with the frequency required in their permits. Please reevaluate your daily recordkeeping and internal reporting process to determine what improvements are necessary to ensure compliance in the future. Within 30 days of receipt of this letter, please submit a plan and schedule to this office outlining the planned improvements.

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,

A handwritten signature in black ink that reads "Michael Carper". The signature is written in a cursive style with a large, prominent "M" and a long, sweeping underline.

Michael Carper
Environmental Specialist II
Division of Air Pollution Control

MC/mlm

cc: Ken Mettler, Ohio EPA Office of Special Investigations