

*National Lime & Stone
CORRESPONDENCE*



State of Ohio Environmental Protection Agency

Southeast District Office

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

July 27, 2009

Re: Coshocton County
National Lime and Stone Company
Facility ID # 0616000219
Warning Letter
Certified #70063450000190558249

Ken Dinwiddie
Director of Operations – Product Distribution
National Lime and Stone Company
1428 Waynesburg Drive SE
PO Box 21221
Canton, OH 44707-1221

**Subject: Warning letter concerning unpaved Roadways and Parking areas,
and monitoring and record keeping requirements**

Dear Mr. Dinwiddie:

On July 14, 2009, I performed an inspection of the National Lime and Stone Company facility's unpaved plant roads and parking areas at 47849 Papermill Rd., Coshocton, Ohio as a routine procedure. The inspection was conducted to determine the facility's compliance with the terms and conditions of the issued Permit to Install and Operate of the facility. The focus of the inspection was fugitive dust.

During the inspection, I met with you to discuss the findings and possible solutions for the fugitive dust issues discovered at the facility. The following items were observed:

- **Unpaved roadways and parking areas were in violation of the issued Permit to Install and Operate as written.**

b)(2)(a) of the permit states the following as a voluntary control measure:

(a) Permit to Install 06-08422 for this air contaminant source takes into account the following voluntary restrictions (including the use of any applicable air pollution control equipment) as proposed by the permittee for the purposes of avoiding Best Available Technology (BAT) requirements for fugitive particulate emissions under OAC rule 3745-31-05(A)(3):

- (i) use of watering, chemical dust suppression, speed control and good housekeeping (assumes 95% control efficiency)

A courtesy Method 22 observation was conducted in accordance with "Appendix A on Test Methods" in 40 CFR Part 60 ("Standards of Performance for New Stationary Sources", as such Appendix existed on July 1, 1996) on the unpaved roads and parking areas associated with the facility to evaluate compliance with the issued permit terms and conditions as written. The observation of visible emissions was 22 minutes and 37 seconds in a 39 minute period. This observation method was used to ascertain the compliance level of the facility with permit terms and conditions as written.

If the voluntary restrictions of using watering, chemical dust suppression, speed control, and good housekeeping are not followed as stipulated in the Permit to Install and Operate, then Best Available Technology terms and conditions will be issued in a subsequent permit. The stipulated voluntary restrictions reduced the total amount of fugitive road dust below 10 tons per year, but without these controls being used, Best Available Technology will apply.

Note:

It should be noted that a watering truck was ordered to the site and arrived shortly after the evaluation and discussions were completed. The watering truck made at least five passes through the facility applying water.

- **Monitoring and Recordkeeping Requirements were not being kept as prescribed in the issued Permit to Install and Operate.**

No onsite records of past dust suppression practices or dust observations were located or available for review during this inspection. The issued Permit to Install and Operate has the following verbiage in d)(1), (2), (3).

- (1) Except as otherwise provided in this section, the permittee shall perform inspections of each of the roadway segments and parking areas in accordance with the following frequencies:

<u>paved and unpaved roadways and parking areas</u>	<u>minimum inspection frequency</u>
all roads and parking areas	daily

- (2) The purpose of the inspections is to determine the need for implementing the above-mentioned voluntary control measures. The inspections shall be performed during representative, normal traffic conditions. No inspection shall be necessary for a roadway or parking area that is covered with snow and/or ice or if precipitation has occurred that is sufficient for that day to ensure compliance with the above-mentioned applicable requirements. Any required inspection that is not performed due to any of the above-identified events shall be performed as soon as such event(s) has (have) ended, except if the next required inspection is within one week.

(3) The permittee shall maintain records of the following information:

- (a) the date and reason any required inspection was not performed, including those inspections that were not performed due to snow and/or ice cover or precipitation;
- (b) the date of each inspection where it was determined by the permittee that it was necessary to implement the control measures;
- (c) the dates the control measures were implemented; and
- (d) on a calendar quarter basis, the total number of days the control measures were implemented and the total number of days where snow and/or ice cover or precipitation were sufficient to not require the control measures.

The information required in 3.d. shall be updated on a calendar quarter basis within 30 days after the end of each calendar quarter and shall be kept for the unpaved roadways and parking areas.

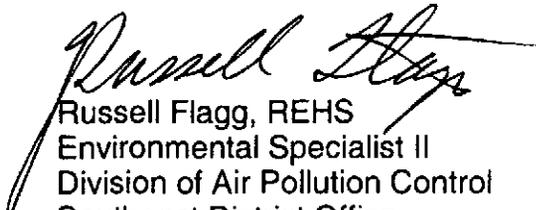
The records of these observations as well as the use of the voluntary restrictions must be kept onsite as well as performed when needed as stipulated in the permit. Failure to do so is in direct violation of the issued permit.

Please respond to this letter within 30 days of receipt of this letter with a plan and schedule to return the facility to compliance. The plan and schedule should include a time line for completing corrective actions and the corrective actions taken.

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.

If you are unable to respond to any part of this request within the time frame discussed above, please inform me and explain so that we may be of assistance. Should you have any questions, feel free to contact me at (740) 380-5229 or email russell.flagg@epa.state.oh.us.

Sincerely,


Russell Flagg, REHS
Environmental Specialist II
Division of Air Pollution Control
Southeast District Office

RF/mlm