



**Environmental
Protection Agency**

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

July 11, 2012

Re: Washington County
Martin Marietta
Facility ID # 0641170264
Notice of Violation
Non-HPV
Certified: 70102780000197044596

Patrick Montgomery
Environmental Manager
Martin Marietta
9277 Centre Pointe
Suite 250
West Chester, OH 45069

Subject: June 13, 2012, Compliance Inspection

Dear Mr. Montgomery:

On June 13, 2012, Lesley Jenkins and I performed an inspection of Martin Marietta aggregate operations located on Walden Street in Tiltonsville, Ohio. The inspection was conducted to determine the facility's compliance with state and federal air pollution rules and regulations and in response to a fugitive dust complaint received by our office.

While at the facility, we met with Ray Hall, the scale house operator on site. During the visit we performed a visual inspection of the facility and reviewed required records.

The facility's permitted emission units consists of the following: aggregate material handling operation (F001), a diesel generator (P001), aggregate storage piles (F002), and unpaved roadways and parking areas (F003). The emissions units are permitted under Permit-to-install (PTI) 06-08106 issued March 16, 2006, for F002 and F003 and PTI 06-08084 issued May 25, 2006, for F001 and P001. An operating renewal application for the above sources was received by our office and is currently pending processing.

Based on my inspection, file review, and reports submitted by Martin Marietta the following violations were observed:

Failure to conduct required inspections and maintain records of inspections

- Part III – Special Terms and Condition for Specific Emissions Unit F003, Permit Term A.III.1. of PTI 06-08106 states that the permittee shall inspect each roadway segment and parking area daily and maintain records of information required by Permit Term A.III.3.

- Part III – Special Terms and Condition for Specific Emissions Unit F002, Permit Term A.III.1.-3. of PTI 06-08106 states that the permittee shall inspect all storage piles and maintain records of information required by Permit Term A.III.6.
- Part II – Special Terms and Condition for Specific Emissions Unit F001, Permit Term C.1.of PTI 06-08084 states that the permittee shall inspect all material handling operation daily when in operation and maintain records of information required by Permit Term C.3.

It was determined during the inspection that the facility has failed to conduct required inspections and maintain the required inspection reports for the months of April, May, and portions of June, 2012. Therefore, the facility is in violation of the above permit terms.

Failure to maintain required monthly throughput records.

- Part II – Special Terms and Condition for Specific Emissions Unit F001, Permit Term C.4. of PTI 06-08084 states that the permittee shall maintain monthly records of the throughput for this emissions unit and a rolling, 12-month summation of throughput of material.
- Part II – Special Terms and Condition for Specific Emissions Unit P001, Permit Term C.1 and C.3. of PTI 06-08084 states that the permittee shall maintain monthly records of the fuel usage, heat content of fuel, sulfur content of fuel and a rolling, 12-month summation of fuel usage.

It was determined during the inspection that the facility has failed to maintain the required monthly throughput records for the months of April, May, and portions of June, 2012 for F001. Minimal records were available to view for P001 during our site visit. Those records that were observed were incomplete. Personnel on site indicated that some records are kept at the main office. Please be aware that the facility must make the required records available to Ohio EPA during an inspection at the facility. Failure to make requested records available to Ohio EPA upon request is a violation of the permit requirements. Therefore, the facility is in violation of the above permit terms. As part of the requested compliance plan, please include a current rolling, 12-month summation for the above emissions units.

Failure to receive permits prior to modifying existing sources

During the inspection it was noted that there were no less than 9 conveyors present on site. Mr. Hall indicated that all the conveyors on site were owned and operated by Martin Marietta. The existing PTI for F001 only included 8 conveyors presently. It appears that the existing emissions unit F001 has been modified and the current permit for this source needs to be reassessed. It is a violation of Ohio Administrative Code (OAC) rule 3745-31-02 to modify or install a source without first receiving a permit-to-install.

Failure to report relocation of portable equipment

During a June 22, 2012 telephone conversation with you, it was determined that the facility moves the material handling operations (F001) and associated engine (P001) from location to

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location off of the current property and operates these units as a portable source. The sources are currently permitted as a portable source; however no notification of intent to relocate in the past has been received by our office. It is a violation of OAC rule 3745-31-03 to relocate a permitted source without first identifying the proposed site to relocate and receiving approval for the relocation. In your response to our office please include the date the emissions units have been moved and the location to which they have been moved. If the facility would like to claim an exemption on the engine, please also include the exemption which they are claiming and the justification for such claim.

It was also discussed that the engine was not operational during the site visit and was in need of repair. Please also include in your response if the current permitted engine has been repaired or replaced.

It should be noted that the facility is required to submit a deviation report for the second quarter of 2012 by the end of July. Please make sure to include all deviations observed during the inspection in the submitted report.

Within 14 days of receipt of this letter, Martin Marietta shall submit a plan and schedule to return the facility to compliance. The plan should address all violations above and include a time line for completing corrective actions and the corrective actions taken.

Acceptance by Ohio EPA of a schedule for compliance 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 are unable to respond to any part of the above 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 Lesley Jenkins at (740) 380-5267 or email Lesley.jenkins@epa.ohio.gov. The assistance provided during the inspection is greatly appreciated.

Sincerely,



Christina Wieg
Environmental Specialist III
Division of Air Pollution Control
Southeast District Office

CW/cs

cc: Dean Ponchak, DAPC/SEDO
Lesley Jenkins, DAPC/SEDO
Mitch Scott, Martin Marietta