



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

Re: Erie County  
Barnes Nursery, Inc.  
Premise # 0322010284  
**Notice of Violation (non-HPV)**

May 30, 2013

CERTIFIED MAIL

Ms. Sharon Barnes  
Barnes Nursery, Inc.  
3511 Cleveland Road West  
Huron, Ohio 44839

Dear Ms. Barnes:

This letter shall serve as a follow-up to the complaint investigation conducted on Wednesday, May 15, 2013, of the above referenced facility by Miranda Garlock and Alyse Johnson from the Division of Air Pollution Control (DAPC) at the Northwest District Office (NWDO). The purpose of this investigation was to determine the legitimacy of a dust complaint from the facility's roadways.

Based on our observations during the inspection, a review of the company's files and permits, and discussions with the facility, our findings are as follows:

1. On May 15, 2013, Method 22 visible emission observations were conducted at the facility to determine the compliance status of maintaining visible emissions from the facility's unpaved roadways (F001) to no more than six (6) minutes per a 60 minute observation period and from the facility's stockpiles (F002) to no more than one (1) minute per a 60 minute observation period.
  - a. The unpaved roadway leading to the stockpile area was observed and the six (6) minute permit standard was violated within 18 minutes of observation. This is a violation of Permit to Install/Operate (PTIO) P0113398 visible emission limitation for unpaved roadways issued April 9, 2013, and ORC §3704.05.
  - b. The brown fine grained sand stockpile located in the load out area was observed and the one (1) minute permit standard was violated within two (2) minutes of observation. This is a violation of P0113398 visible emission limitation for storage issued April 9, 2013 and ORC §3704.05.

2. Method 22 visible emission observations were not conducted on the facility's paved roadways on May 15, 2013, because the facility began implementing a sufficient amount of water control which eliminated visible emissions.
3. DAPC reviewed the facility's daily operational logs for its roadways and for its stockpiles during the investigation. The following was noted during the review:
  - a. The facility is currently recording what days control measures are applied to its paved vs. unpaved roadways/parking areas. The facility utilizes a water truck as its primary control method. The daily operational logs for the facility's roadways/parking areas is compliant with the Terms and Conditions of P0113398 issued April 9, 2013, as specified in d)(3)(a) through d)(3)(d).
  - b. The facility indicated that it has not been applying water as a control measure to its stockpiles as required in the Terms and Conditions of P0113398 b)(2)(a) and b)(2)(c). In addition, the daily operational logs currently being maintained for the facility stockpiles do not indicate when control was or was not applied and does not include daily observations of load-out and load-in operations as specified in the Terms and Conditions of P0113398 d)(1) through d)(6). The facility's noncompliance with its monitoring and record keeping requirements for F002 (Material Handling, Transfer, and Storage) is a violation of the Terms and Conditions of P0113398 issued April 9, 2013, and Ohio Revised Code (ORC) §3704.05.
4. Because the facility has not been keeping compliant daily operational logs for F002 since P0113398 was issued on April 9, 2013, and visible emissions were exceeded for both F001 (Roadways and Parking Areas) and F002 on May 15, 2013, the facility is reminded that the annual Permit Evaluation Report (PER) for 2013, which is due on February 15, 2014, should identify a deviation for both record keeping requirements for emissions for F002 and should also identify a deviation for emissions for F001.

The facility's written response to this letter is requested by **June 28, 2013**. It should be submitted to Ohio EPA, Northwest District Office and contain a compliance plan to remedy the observed situations and prevent these, or any similar situations, from occurring in the future.

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Please be advised that the submission of the requested information to respond to this letter does not constitute waiver of the Ohio EPA's authority to seek civil penalties pursuant to ORC §3704.06. The Ohio EPA will make a decision on whether to pursue or decline to pursue such penalties regarding this matter at a later date.

Should you have any questions or comments concerning this letter, please feel free to contact me at (419) 373-3069 or electronically at [Miranda.Garlock@epa.ohio.gov](mailto:Miranda.Garlock@epa.ohio.gov).

Sincerely,



Miranda R. Garlock  
Division of Air Pollution Control

/lr

Certified Mail Receipt Number 7009 1410 0001 1834 2061

ec: Miranda Garlock, NWDO, DAPC  
Alyse Johnson, NWDO, DAPC  
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