



**Environmental
Protection Agency**

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

Re: Wood County
Huss Equipment Corporation
Notice of Violation (NOV/non-HPV)

CERTIFIED MAIL

September 14, 2012

Mr. Brian Smith
Huss Equipment Corporation
17801 North Dixie Highway
P.O. Box 266
Bowling Green, Ohio 43402

Dear Mr. Smith:

On September 6, 2012, I conducted an inspection of your facility. The inspection was a follow-up to the letter sent to your attention by Ms. Melissa Boyers of Ohio EPA's Division of Materials and Waste Management (DMWM) dated September 6, 2012. As explained during the inspection, I am with Ohio EPA's Division of Air Pollution Control (DAPC) and the purpose of the inspection was to determine the compliance status of Huss Equipment Corporation (herein referred to as HEC) with the rules and regulations of DAPC.

During the walk-through, I observed a spray coating operation which would require permitting. As such, HEC is in violation of installing and operating this emissions unit prior to acquiring a Permit-to-Install and Operate (PTIO) pursuant to Ohio Administrative Code (OAC) Rule 3745-31-02. HEC is also in violation of Ohio Revised Code §3704.05.

Other emission units that were identified during the inspection were two outdoor wood-fired burners and welding operations. Emission calculations may be necessary for the welding operations to determine whether this emissions unit qualifies for de minimis pursuant to OAC rule 3745-15-05.

At this time, Ohio EPA requests that HEC submit the following: completed PTIO application, emissions activity category (EAC) form, process flow diagram and emissions calculations for the spray coating operation, and emissions calculations for welding operations. This information should be submitted no later than October 19, 2012. The PTIO application and EAC forms can be found on the web at <http://epa.ohio.gov/dapc/fops/eac/eacforms.aspx>.

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In addition, I also observed evidence of illegal open burning, which is also regulated by DAPC. The investigation confirmed that illegal open burning has occurred because various wastes from the business were burned for disposal in metal drums on the property, which is in a restricted area.

Based on these findings, there is sufficient evidence to determine that illegal open burning did occur at this site. This is a violation of both OAC rule 3745-19-03(A) and ORC §3704.05.

To be clear, commercial businesses of this type are not permitted to burn any material for disposal, anywhere in Ohio. This office would also suggest the removal and proper disposal of the metal barrels from the property to reduce or eliminate the possibility of misinterpreting past violations as new violations.

A copy of the OAC rules pertaining to open burning has been enclosed for your review. Please provide a written response acknowledging your receipt of this letter and your understanding of the rules. If you do not understand the rules, please contact this office for additional explanation before responding. Your response is requested no later than October 19, 2012.

Because the fire has been extinguished, HEC is no longer in violation of the opening burning rules and the facility is considered to have returned to compliance.

As discussed in detail with you during the inspection, Ohio EPA's Office of Compliance Assistance and Pollution Prevention (OCAPP) may be able to assist you in coming into compliance with the rules and regulations of DAPC as well as DMWM requirements. Additional information about this office can be found at <http://www.epa.ohio.gov/ocapp> or by calling OCAPP at 1-800-329-7518. The OCAPP representative at the Northwest District Office (NWDO) is Mr. Ron Nabors and he can be reached at (419) 373-3147 or ron.nabors@epa.state.oh.us.

Please be advised that the submission of information to respond to this letter does not constitute waiver of the Ohio EPA's authority to seek civil penalties pursuant to Ohio Revised Code §3704.06. The Ohio EPA will make a decision whether to pursue such penalties regarding this matter at a later date. The decision on whether to pursue or decline to pursue such penalties regarding this matter is dependent on several factors, one of which is your future compliance with applicable Ohio EPA requirements.

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If you have any questions concerning this letter or the regulations, please feel free to call me at (419) 373-3118 or e-mail at mohammad.smidi@epa.state.oh.us.

Sincerely,



Mohammad Smidi
Division of Air Pollution Control

/cg

Enclosure

pc: Wood County Health Department
Mohammad Smidi, DAPC-NWDO
Certified Mail Receipt Number 70091410000118345963

ec: Bruce Weinberg, DAPC-CO
Jennifer Jolliff, DAPC-NWDO
Melissa Boyers, DMWM-NWDO
Mohammad Smidi, DAPC-NWDO
Ron Nabors, OCAPP-NWDO
Tom Cikotte, DAPC-NWDO
William MacDowell, U.S. EPA Region V