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CERTIFIED MAIL # 91 7108 2133 3932 1838 0327

May 30, 2013

James Weber
Ohio Mulch
1600 Universal Avenue
Columbus, OH 43207

Re: **Notice of Violation** based upon the visible emissions on May 22, 2013, at Ohio Mulch
(Facility ID 0125042480)

Dear Mr. Weber:

Ohio EPA Central District Office (CDO) observed particulate emissions from the Ohio Mulch facility located at 881 Buckeye Park Road on May 22, 2013.

Listed below are "Findings" based upon CDO observations and conversations with facility personnel. The findings are followed by "Violation(s)" (if applicable) and "Requested Action(s)" necessary to address stated findings and violations.

1. **Finding:** Unpermitted installation of an air contaminant source

Observations

On May 22, 2013, CDO personnel observed visible emissions of fugitive dust coming from the Ohio Mulch facility located at 881 Buckeye Park Road, Columbus, Ohio. CDO observed the roadways to be unpaved at the facility.

Background

Throughout May 2012, CDO personnel Barbara Walker worked with facility personnel on a complete permit-to-install and operate (PTIO) application for roadways and parking areas. In e-mail correspondence between the facility consultant, Mr. Andrew Balcar, and Barbara Walker, the consultant submitted draft calculations to Ms. Walker regarding emissions from the emission unit if tar was applied to control the emissions.

On May 7, 2012, Ms. Walker responded to Mr. Balcar regarding emission factors used to determine possible emissions and to clarify the desires of the facility to operate a paved or an unpaved roadway.

On May 24, 2012, Ohio Mulch submitted a PTIO application for roadways and parking areas. The application calculations stated that both paved and unpaved roadways would exist at the facility.

The Emissions Activity Category (EAC) form submitted with the PTIO application on May 24, 2012, showed emissions only from paved roadways and stated emissions would be controlled through watering, good housekeeping, and "other" (where the facility wrote "apply tar").

On June 13, 2012, PTIO P0110153 was issued to the facility for paved roadways and parking areas.

Violation:

The installation and operation of an air contaminant source without first obtaining a permit-to-install and operate (PTIO) is considered a violation of Ohio Administrative Code (OAC) 3745-31-02(A) which states:

"No person shall cause, permit, or allow the ... installation, or modification and subsequent operation of any new source ... without first obtaining a PTIO from the director."

Violations of OAC 3745-31-02 are also considered a violation of Ohio Revised Code (ORC) 3704.05(A), which states:

"No person shall cause, permit, or allow emission of an air contaminant in violation of any rule adopted by the director of environmental protection."

Requested Action:

CDO requests that Ohio Mulch either pave the roadways and parking areas and comply with the terms and conditions of PTIO P0110153 or submit a complete PTIO application for the unpaved roadways and parking areas within thirty (30) days of receipt of this letter.

Please note, to ensure compliance with state and federal regulations, control of fugitive dust is required within areas listed in Appendix A of OAC rule 3745-17-08. Monitoring and recordkeeping for the purposes of determining the need to implement control measures on unpaved roadways is a component of permits for these types of emission units.

2. **Finding:** Failure to control visible emissions of fugitive dust

On May 22, 2013, CDO personnel observed visible emissions of fugitive dust coming from the Ohio Mulch facility located at 881 Buckeye Park Road, Columbus, Ohio (see enclosed pictures). On May 22, 2013, CDO inspector Barbara Walker contacted Ohio

Mulch to request control measures be taken to control fugitive dust coming from the facility. During the conversation with the facility, Ms. Walker was told that totes would be trucked to the facility. Ms. Walker requested that she be contacted when the control measures had been implemented.

On May 23, 2013, Ms. Walker was contacted and told that the facility was unable to get the new water pump working, so the facility personnel was unable to fill the totes to apply dust suppressant to the roadways. At 1:36 p.m. on May 24, 2013, Ms. Walker received a voice mail message from facility personnel stating that the water pump was operational and the totes were filled so that the facility could apply dust suppressant to the roadways.

Requested Action:

Permit-to-install and operate (PTIO) P0110153 requires Ohio Mulch to perform inspections of roadway segments based upon the amount of truck traffic at the facility. Please provide CDO with copies of the records containing the truck traffic at the facility since July 2012 within thirty (30) days of receipt of this letter.

Please provide CDO copies of the records regarding the dates of inspections, dates control measures were implemented, and what control measures were used to control visible emissions of fugitive dust since July 2012 within thirty (30) days of receipt of this letter.

3. **Finding:** Failure to properly report deviations

In the 2012 Permit Evaluation Report (PER) submitted by Ohio Mulch on February 14, 2013, the facility stated that "[b]lacktop grindings were placed on the roadway in October 2012, so there should not be any dust issues.

During conversations with facility personnel, CDO staff Barbara Walker was informed that placing of grindings had not occurred at the facility because the "company we [the facility] were using went out of business."

Requested Action:

Please submit a copy of invoices of paving or placement of blacktop grindings that were performed at the facility between July 2012 and May 22, 2013, within fourteen (14) days of receipt of this letter. If blacktop grindings were not placed or paving not performed, please submit a corrected Permit Evaluation Report within fourteen (14) days of receipt of this letter.

Additional Information

Facilities that are applying for a permit-to-install and operate may choose to submit permit applications on-line. Ohio EPA's on-line permitting and reporting system called Air Services is

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found through the eBusiness Center and may be reached from the Ohio EPA home page at www.epa.state.oh.us or directly at ebiz.epa.ohio.gov.

If at some time in the future this facility plans to install additional air contaminant sources or modify an existing air contaminant source, please contact Ohio EPA, Central District Office to obtain the appropriate forms and discuss the applicability of any rules in question. Ohio EPA endeavors to process all applications in an expeditious manner.

Please note that the Ohio EPA has the authority to seek civil penalties as provided in section 3704.06 of the Ohio Revised Code (ORC). This letter or information pursuant to this letter does not constitute a waiver of Ohio EPA's authority to seek civil penalties as provided in the ORC. The decision on whether or not to seek such penalties will be made by the Ohio EPA at a later date.

If you have any questions, please contact Barbara Walker of my staff at (614) 728-3805 or barbara.walker@epa.ohio.gov.

Sincerely,



Bryon J. Marusek
Supervisor, Permits and Compliance
Ohio EPA, Central District Office
Division of Air Pollution Control

c: Kelly Toth, Manager, CDO/DAPC

e: Kelly Saavedra, CDO/DAPC
Barbara Walker, CDO/DAPC
John Paulian, CO/DAPC
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Enclosures