



John E. Kasich, Governor
 Roy Taylor, Lt. Governor
 Joseph E. Pfeiffer, Director

g f r r d

CERTIFIED MAIL # 91 7108 2133 3932 1838 9970

August 6, 2013

James Weber
 Ohio Mulch
 1600 Universal Avenue
 Columbus, OH 43207

Re: **Notice of Violation** based upon the hours of operation of the Amadas #1 (F006) at Ohio Mulch (facility ID 0125042476)

Dear Mr. Weber:

Ohio EPA Central District Office (CDO) inspectors Barbara Walker and Stephanie Habinak conducted a partial compliance inspection of Ohio Mulch Supply, Inc. on July 18, 2013, while providing technical assistance to the facility. The purpose of the inspection was to evaluate compliance with the terms and conditions of the applicable Federally Enforceable Permits-to-Install and Operate (FEPTIOs) along with other applicable permits.

Listed below are "Findings" based upon CDO observations. The findings are followed by "Violation(s)" and "Requested Action(s)" necessary to address the stated findings and violations.

1. **Finding:** Exceedence of emission and operating hour limitations

During the July 18, 2013, partial compliance inspection, CDO inspectors reviewed records for the Amadas #1 electric grinder (Ohio EPA emission unit ID F006) and observed the operating hours of the grinder to have exceeded the allowable number of hours during the first twelve (12) months of operation.

<u>Month(s)</u>	<u>Permit Allowable Operating Hours</u>	<u>Actual Operating Hours</u>
1	208.3	220
1-2	416.7	350
1-3	625.0	540
1-4	833.3	720
1-5	1,041.7	873
1-6	1,250.0	1,193
1-7	1,458.3	1,381
1-8	1,666.7	1,666
1-9	1,875.0	1,741
1-10	2,083.3	2,033
1-11	2,291.7	2,371
1-12	2,500.0	2,562

Further review showed that the hours of operation for the emission unit also exceeded the rolling, 12-month allowable of 2,500. The rolling, 12-month summation of operating hours for emission unit P006 was 2,524 in July 2013.

Compliance with the annual emission limitation is demonstrated through compliance with the maximum number of operating hours established in the FEPTIO. Exceedence of the maximum number of operating hours results in an exceedence of the emission limitation.

Violation:

Operation of emission unit F006 after exceeding the hours of operation limitation established in Section C.1.b)(2)a. is a violation of the terms and conditions of FEPTIO P0109358 which states:

"The maximum annual operating hours for this emissions unit shall not exceed 2,500 hours, based upon a rolling, 12-month summation of the operating hours.

To ensure enforceability during the first 12 calendar months of operation or the first 12 calendar months following the issuance of this permit, the permittee shall not exceed the operating hours levels specified...."

Violation of the terms and condition of FEPTIO P0109358 is also considered a violation of Ohio Revised Code (ORC) 3704.05(C) which states:

"No person who is the holder of a permit ... shall violation any of its terms or conditions."

Requested Action:

CDO requests that Ohio Mulch submit a detailed compliance plan and schedule within thirty (30) days of receipt of this letter. The plan should include a detailed description of how the facility intends to demonstrate compliance with applicable permits and state and federal regulations, including specific dates and milestones that will be met during the return to compliance.

Additional Information

Ohio Mulch is a Synthetic Minor Title V (SMTV) facility. All SMTV facilities are required to submit certain reports via the eBusiness Center: Air Services, which is accessed through the eBusiness Center. The eBusiness Center may be reached from the Ohio EPA home page at www.epa.state.oh.us or directly at ebiz.epa.ohio.gov.

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.

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Ohio Mulch
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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 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
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