

CITY OF TOLEDO



DEPARTMENT OF PUBLIC UTILITIES

December 19, 2008

CERTIFIED MAIL

William Criscione
Hansen Mueller Company
4402 Timber Commons Dr.
Sandusky, Ohio 44870

Re: Notice of Violation

Dear Mr. Criscione:

Enclosed, please find a "Notice of Violation" for Hansen Mueller Company, Ohio EPA Source No. 0448011632 P901 "Receiving, transferring and conveying; screening and cleaning for railcar, truck and ship unloading". Please review this document carefully as some action, including a written response, is required on your part.

If you have any questions, please feel free to contact Bob Kossow at 419-936-3941 or me at 419-936-3777

From Toledo - an International Award Winning City!

A handwritten signature in black ink, appearing to read "Haley Haggard".

Haley Haggard,
Environmental Specialist

HSH/rfk

Enclosure

cc: John Paulian, OEPA
Lisa Holscher, USEPA Region V
Timothy D. Murphy, Commissioner, TDOES
Karen Granata, Chief, Air Resources, TDOES
Joyce Anagnos, Senior Attorney, City of Toledo
Bob Kossow, Staff Professional Engineer, TDOES

Timothy D. Murphy, Commissioner
DIVISION OF ENVIRONMENTAL SERVICES
Quilter Environmental Center
348 South Erie Street, Toledo, Ohio 43604-8633 USA
Telephone: 419-936-3015 Fax: 419-936-3959 E-mail: tim.murphy@toledo.oh.gov

NOTICE OF VIOLATION

December 19, 2008

The City of Toledo Division of Environmental Services hereby serves notice that:

Hansen Mueller Company
1800 N. Summit St.
Toledo, Ohio 43611

has violated the following environmental laws, orders, rules, or regulations on the indicated dates at the above address.

Dates of Violation

December 17, 2008

Regulation(s) violated

Description of Source(s) and Violations(s)

ORC 3704.05 Prohibited acts.
(C) No person who is the holder of a permit issued under division (F) or (G) of section 3704.03 of the Revised Code shall violate any of its terms or conditions.

For emissions unit P901, Special Term and Condition A.2.c requires "adequate enclosure and or vent to a fabric filter" or "other control measure to ensure compliance".

OAC rule 3745-17-07(B) (1) - Visible particulate emissions from any fugitive dust source shall not exceed twenty per cent opacity as a three-minute average.

The emissions of fugitive dust from the ship off-loading averaged 68% opacity for a three-minute time during an observation period beginning at 9:11 A.M. and ending 9:14 A.M.

OAC rule 3745-17-08(B), (B) (3) - No person shall cause or permit any fugitive dust source to be operated; or any materials to be handled, transported, or stored ... without taking or installing reasonably available control measures to prevent fugitive dust from becoming airborne.

A violation of the visible particulate emission limitation contained in OAC rule 3745-17-07(B) (1) demonstrates non-compliance with this applicable rule.

The above violation(s) may subject the violator to penalties of up to \$25,000 per violation. It is possible that a penalty may be assessed in this case. If a penalty is to be assessed, the amount will be determined after your response is reviewed.

Required Actions

Within 2 weeks of receipt of this Notice of Violation, you shall:

1. Abate the violation(s) or provide for an acceptable remedy.
2. Reply in writing to this Notice of Violation. The reply shall include:
 - a. description(s) and date(s) of action(s) taken thus far to abate the violation(s).
 - b. description(s) and expeditious time schedule of action(s) yet to be taken to remedy the violation(s).
 - c. description(s) of action(s) taken or to be taken to prevent recurrence of the violation(s).

Recommended Actions

1. Provide a written compliance schedule for the installation of equipment to adequately enclose, contain, capture, vent and control the fugitive dust generated.
2. Provide notification to this office in advance of all scheduled grain deliveries adequate to allow the presence of a certified observer during all further ship unloading, transfer and conveying operations performed until such time as compliance with the visible emissions limitations is demonstrated.

Your written response and any questions regarding this Notice of Violation should be directed to Haley Haggard at the Division of Environmental Services, 348 S. Erie Street, Toledo, Ohio 43604, or call 419-936-3777.

The submission of the above requested information does not constitute a waiver of Ohio EPA's authority to seek civil penalties pursuant to Ohio Revised Code § 3704.06. Ohio EPA will make a decision on whether to pursue or decline to pursue such penalties regarding this matter at a later date.