

CITY OF TOLEDO

Not HPV
State permit only



DEPARTMENT OF PUBLIC UTILITIES

June 25, 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 me at 419-936-3751.

From Toledo - an International Award Winning City!

A handwritten signature in cursive script that reads "Marilyn DuFour".

Marilyn DuFour,
Environmental Specialist

MBD/rfk

Enclosure

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

NOTICE OF VIOLATION

June 25, 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

June 23, 2008

Regulation(s) violated

Description of Source(s) and Violations(s)

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 transfer and conveying process averaged 85% opacity for a three-minute time during an observation period beginning at 10:25 A.M. and ending 10:28 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. Such reasonably available control measures shall include, but not be limited to, one or more of the following which are appropriate to minimize or eliminate visible particulate

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

emissions of fugitive dust: ...
The installation and use of
hoods, fans, and other
equipment to adequately
enclose, contain, capture, vent
and control the fugitive dust.
Such equipment shall meet the
following requirements:

- (a) The collection efficiency
is sufficient to minimize or
eliminate visible particulate
emissions of fugitive dust at
the point(s) of capture to the
extent possible with good
engineering design; and
- (b) The control equipment
achieves an outlet emission
rate of not greater than
0.030 grain of particulate
emissions per dry standard
cubic foot of exhaust gases or
there are no visible
particulate emissions from the
exhaust stack(s), whichever is
less stringent

OAC rule 3745-31-05(D) - The
director may impose such
special terms and conditions as
are appropriate or necessary to
ensure compliance with the
applicable laws and to ensure
adequate protection of
environmental quality.

The permittee failed to
maintain and provide records
indicating compliance with the
daily record keeping
requirements of the operating
permit issued December 3,
2007.

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 written documentation demonstrating compliance with the permit requirements for all inspections and recordkeeping performed during calendar year 2008.
2. Provide written documentation that the facility operators have been instructed on the permit requirement to minimize drop heights.
3. Provide a written compliance schedule for the installation of equipment to adequately enclose, contain, capture, vent and control the fugitive dust generated during ship unloading.
4. 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 during this calendar year.

Your written response and any questions regarding this Notice of Violation should be directed to Marilyn DuFour at the Division of Environmental Services, 348 S. Erie Street, Toledo, Ohio 43604, or call 419-936-3751.

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.

