



State of Ohio Environmental Protection Agency

Southeast District Office

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Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

January 4, 2008

Re: Belmont County (Portable)
Lash Paving Plant 1
Facility ID # 0607000183
Complaint Investigation - Warning Letter

Certified Mail #70063450000190561881

Mr. David Lash, Jr.
Lash Paving
P.O. Box 296
Colerain, OH 43916

Dear Mr. Lash:

On November 29, 2007, Ohio EPA staff from the Division of Air Pollution Control (DAPC), Southeast District Office (SEDO), visited Lash Paving Plant #1, a portable drum mix asphalt plant currently located at 412 S. 1st Street in Martins Ferry, Ohio. This visit was prompted by a complaint received in this office on November 19, 2007, reporting that excessive amounts of dust and smoke were being emitted from the asphalt plant, impacting vehicles and residents nearby.

Although a Method 9 opacity reading was not taken during the investigation, the emissions from the asphalt plant stack appeared to be well in excess of the 10% opacity limit in the facility permit. Further, there appeared to be smoke emissions from the hot elevator/silos in excess of the 10% opacity limit. Discussions with the operations manager and you on the date of the investigation revealed that the company was aware of the most recent stack emissions problem and had plans to replace bags in the baghouse which you hoped would reduce the visible particulate emissions.

In addition to the potential violation identified above, the following violations of the Ohio Administrative Code (OAC) and the company's air permit were discovered:

**(1) Operating Restrictions
PTO Part II.B.3; Emissions Unit P902**

To ensure the baghouse is operated according to manufacturer's specifications and to maintain compliance with the allowable particulate emission rate, a pressure drop across the baghouse of not less than 3 or greater than 7 inches of water shall be maintained at all times.

At the time of the investigation, the pressure drop observed on the magnehelic was 8 inches of water, outside the allowable range. This reading along with the excessive particulate emissions observed indicate that the baghouse is not being properly operated

and maintained. Ohio EPA was informed that baghouse repairs were planned for the evening of 11/29/07. Please confirm whether the malfunction was corrected and the actions the company took to return to compliance with the pressure drop range specified by the permit. In addition, please provide the inspection logs for the plant that includes the required pressure drop readings for any day of production in November and December of 2007.

(2) Malfunction Reporting
PTO Part 1.6; Emissions Unit P902

Malfunctions of air pollution control equipment shall be reported as follows. If an emissions source, air pollution control equipment, or related facility breaks down in such a manner as to cause emission of air contaminants in violation of any applicable law, the person responsible shall immediately notify the Ohio EPA district office or delegate agency. If the malfunction continues for more than seventy two hours, the owner or operator shall provide a written statement within two weeks of the date the malfunction occurred. The notification and statements shall include:

- (a) Identification and location of such equipment including the Ohio environmental protection agency permit application number for each air contaminant source;
- (b) The estimated or actual duration of breakdown;
- (c) The nature and estimated quantity of air contaminants which have been or may be emitted into the ambient air during the breakdown period;
- (d) Statements demonstrating that:
 - (i) Shutdown or reduction of source operation during the breakdown period will be or would have been impossible or impractical;
 - (ii) The estimated breakdown period will be or was reasonable in duration based on installation or repair time, delivery dates of equipment, replacement parts, or materials, or current unavailability of essential equipment, parts, or materials;
 - (iii) Available alternative operating procedures and interim control measures will be or have been implemented during the breakdown period to reduce adverse effects on public health or welfare; and
 - (iv) All actions necessary and required by any applicable preventive maintenance and malfunction abatement plan will be or have been implemented.

A copy of the full rule is enclosed for your records.

Based on a review of inspection logs at the facility during the investigation, the most recent plant baghouse malfunction began on November 27, 2007. As indicated above, the malfunction had not been corrected by the time of the complaint investigation on November 29, 2007. Therefore, Ohio EPA was not immediately notified of the malfunction as required by the rule. It is unclear whether the malfunction continued for more than 72 hours. Based on a review of the inspection logs requested above, Ohio EPA will determine whether a written report was also required. If your review of these records reveal the particulate emission violation continued past 72 hours, please provide the written report with your response to this letter.

In addition, this same issue was identified in Comment #3 of Ohio EPA's October 30, 2007 letter. Specifically, that inspection logs reviewed during the complaint investigation conducted by Ohio EPA on October 11, 2007 revealed that unacceptable visible emissions were observed at the plant during the first four days of October. In order to determine if a written malfunction report was required, please provide this office with documentation of the duration of the early October baghouse malfunction. If your records indicate this malfunction lasted longer than 72 hours, please provide a written malfunction report that meets the requirements of OAC rule 3745-15-06(B), attached.

By letter dated October 30, 2007, Lash Paving was notified of reporting violations and several other issues for Plant 1. A response was requested within 30 days of your receipt of that letter. Ohio EPA's records indicate that you received the letter on November 1, 2007, so a response was due on or around December 1, 2007. To date, Lash Paving has failed to provide the requested response, and remains in violation as follows:

(1) Reporting; PTO Part I.3.b for Emissions Units P902, F001, F002 and PTO Part II.D. for Emissions Unit P902

Although it appears Lash Paving is keeping daily inspection logs, no quarterly or semiannual deviation reports have been received to date. In Ohio EPA's October 30, 2007 letter, Lash Paving was instructed to be providing these reports beginning with the 3rd Q 2007 report due on October 31, 2007. Lash Paving has failed to respond to this request so the reporting violations have not been resolved. ✓

In addition, Lash Paving has failed to respond to the following comments included in Ohio EPA's October 30, 2007 letter:

(2) Ohio EPA's files indicate that Lash Paving conducted the compliance testing for particulate emissions required by the federal New Source Performance Standards (NSPS) in 40 CFR Part 60 Subpart I on August 26, 1998. That test showed that Plant #1 was in compliance with the 0.04 gr/dscf limit (the NSPS standard) in the permit for P902 when the asphalt plant was operating at 139 tons per hour. However, I could not find documentation to show that compliance with the opacity limit established in the NSPS had been demonstrated. The PTO for P902 does not specifically identify this requirement; however, pursuant to the general NSPS in 40 CFR Part 60 Subpart A (Section 60.8), a Method 9 opacity reading must be done within 60 days of achieving maximum production (after installation), but not later than 180 days after initial startup. A copy of the relevant sections of these NSPS rules is attached.

If Lash Paving has conducted the Method 9 performance test required by the NSPS at Plant #1, please provide this office with a copy of the test report. If the company has not done this testing, arrangements must be made to conduct this testing prior to the end of this asphalt season provided the plant will continue to operate this year. Otherwise, the testing must be done as early in the 2008 construction season as production allows. The company's plans for this testing must be conveyed to Ohio EPA in writing in response to this letter.

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- (4) Part II.B.1. of the PTO for emissions unit P902 limits recycled asphalt product (RAP) content in the raw material mix to 10% or less. Based on the records available and discussion with you and the plant operator, it appears that Lash Paving Plant #1 may on occasion use RAP in excess of the 10% permit limit; however, to fully evaluate this issue, please provide records that detail the raw material used in this plant during the 2007 season.

As we discussed, because Ohio EPA has allowed other asphalt plants to use up to 50% RAP without significant increases in emissions limits, the agency would be amenable to modifying the PTI for Plant #1 to allow RAP use up to that percentage if the company needs that flexibility. This change would constitute an administrative modification of the permit and would only require you to submit a letter requesting the change. Be advised a permit modification fee would apply should you choose to pursue this.

Within fourteen (14) days of your receipt of this letter, please submit to this office a compliance plan and schedule and all other information requested above to demonstrate that Lash Paving has or will take actions to resolve the above-listed violations of Ohio's air pollution regulations.

Be advised that failure to provide a response to this letter and demonstrate compliance with the air pollution control rules or permits identified above may result in a maximum fine of \$25,000.00 per offense per day as provided by the Ohio Revised Code 3704.06. Acceptance by the Ohio EPA of a schedule for compliance does not constitute a waiver of the Ohio EPA's authority to seek civil penalties as provided in section 3704.06 of the Ohio Revised Code. The determination to pursue or decline to pursue such penalties in this case will be made by the Ohio EPA at a later date.

If you are unable to respond to any part of this request, within the time frame discussed above, please inform us and explain so that we may be of assistance. Should you have any questions, feel free to contact me at (740) 380-5245 or email kim.reinbold@epa.state.oh.us.

Sincerely,



Kimbra L. Reinbold
Division of Air Pollution Control
Southeast District Office

KLR/mlm

Enclosure