



State of Ohio Environmental Protection Agency

Northeast District Office

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

November 20, 2007

RE: **NOTICE OF VIOLATION**
WELLSVILLE TERMINALS
WELLSVILLE, OHIO
0215130387
CERTIFIED MAIL

Mr. Charles Muse
Wellsville Terminals Company
108 16th Street
Wellsville, OH 43968

Dear Mr. Muse:

On March 28, 2007, Ohio EPA, Northeast District Office (NEDO), issued a Notice of Violation (NOV) addressing material being carried out onto public roadways from the Wellsville Terminals facility located at 108 16th Street in Wellsville, Ohio. Wellsville Terminals submitted a response to this NOV which was received by Ohio EPA, NEDO, on April 17, 2007. Wellsville Terminals' response letter addressed the concerns of the citizens and included a compliance program which summarized several actions to correct the violations and time schedule of implementation of the proposed actions.

On October 4, 2007, I performed an inspection of the Wellsville Terminals facility in response to recent citizen's complaints of continued dust on the public roadways. I met with Mr. Craig Homic of Wellsville Terminals and explained to him that Ohio EPA, NEDO, was still getting dust complaints from citizens in the area. We discussed parts of the compliance program and Mr Homic explained some of the new procedures required by the truck drivers before their truck leaves the facility and also about the truck loading procedures. When I asked Mr. Homic about the sweeping and/or watering of the public roads along the truck route, he believed that it was being done, but did not know the frequency. At that time, I asked Mr. Homic if he could show me some of the compliance program actions completed at that time. Mr Homic showed me the updated wheel wash and the paved area between the wheel wash and the truck scale. We then walked to the exit of the facility and I showed Mr. Homic material that was still being deposited onto the public roadway from the traffic leaving the facility. I explained that the material is still being carried out onto the streets and is still creating a dust problem in violation of Ohio's dust control requirements and the facility's Permit-to-Operate (PTO).



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After leaving the Wellsville Terminals facility, I went to the Mayor's office and talked with Mayor Joseph Surace and Village Administrator James Saracco. I asked Mayor Surace the status of the sweeping and/or watering of the roadways along the truck route from Wellsville Terminals. Mayor Surace and Mr. Saracco both stated that the roadways are not currently being swept or watered by the Village of Wellsville. Based on this information, it is the understanding of Ohio EPA, NEDO, that Action #4 of the compliance program is not being completed at this time. As stated in this action, the streets along the truck route were to be swept and/or watered once per week or as needed.

Based on the observations of the inspection on October 4, 2007, it has been determined that the Wellsville Terminals facility located at 16th and Nevada Streets is in violation of Ohio Administrative Code (OAC) rule 3745-17-08(B)(9). It is also in violation of two conditions contained in the February 25, 1994, PTO issued to the company for plant roadways and parking areas. PTO Condition No. 1 requires the facility be operated in compliance with the aforementioned rule. Condition No. 2 states, "Any material carried off of the source owner's property and deposited onto the city streets by the vehicular traffic or by erosion by water, etc., shall be promptly removed and disposed of properly in such a manner so as to minimize or prevent resuspension." To return to compliance with this rule and PTO conditions No. 1 and No. 2, Wellsville Terminals must immediately employ any and all measures necessary to control carry out from the facility.

Also, based on the discussion with Mayor Surace and Mr. Saracco of the Village of Wellsville, it is the understanding of Ohio EPA, NEDO, that the streets along the truck route from Wellsville Terminals are not being cleaned. This is a violation of Action #4 of the compliance program submitted to Ohio EPA, NEDO, on April 17, 2007. This action states that the truck route from Wellsville Terminals would be swept and/or watered once per week or as needed.

At this time, Ohio EPA requests that you review the previously submitted compliance plan and make whatever corrections necessary to ensure the facility's success in regaining and maintaining compliance with the aforementioned requirements. If the plan includes any action steps that are to occur on a routine basis, it shall also include any self-monitoring measures needed to ensure the schedule is being adhered to, so that the area of concern is in compliance with the applicable rules and permit conditions. Please submit the revised compliance plan and time schedule for compliance within fourteen (14) days of receipt of this letter.

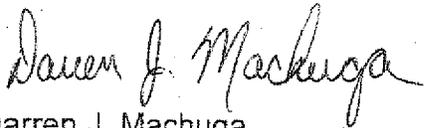
Also, please be advised that acceptance by Ohio EPA of any requested information from Wellsville Terminals does not constitute a waiver of Ohio EPA's authority to seek civil penalties as provided in Ohio Revised Code Section 3704.06. Violations of state air pollution regulations are punishable by a civil penalty of up to twenty-five thousand dollars (\$25,000) per violation. The determination to pursue or not pursue such penalties in this case will be made by Ohio EPA at a later date.

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Lastly, failure to correct the above violations and to operate this facility in accordance with all applicable state air pollution laws and rules will result in a referral to the Division of Air Pollution Control's Enforcement Committee for enforcement consideration. Issuance of this notice does not waive Ohio EPA's authority to pursue any additional and/or past violations of federal or state law regarding air pollution that may be found.

If you should have any questions or need to discuss this matter further, please contact me at (330) 963-1287.

Respectfully,



Darren J. Machuga
District Representative
Ohio EPA, Northeast District Office
Division of Air Pollution Control
DJM:bo

cc: Dennis Bush, DAPC, NEDO
Jennifer Kurko, DAPC, NEDO
Bob Prinic, DAPC, NEDO
Pam Korenewych, DAPC, NEDO
Tom Kalman, DAPC, CO