



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.  
Twinsburg, Ohio 44087

TELE: (330) 963-1200 FAX: (330) 487-0769  
www.epa.state.oh.us

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

March 28, 2007

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

Mr. Craig Homic  
Wellsville Terminals Company  
16<sup>th</sup> & Nevada Streets  
P.O. Box 246  
Wellsville, OH 43968

Dear Mr. Homic:

Since February 2007, Ohio EPA's Northeast District Office (NEDO) has received several citizen complaints alleging that coal dust from the Wellsville Terminals Company operations is being deposited throughout Wellsville. The complaints generally state that trucks leaving Wellsville Terminals are carrying out material from the coal operations at the facility and are leaving a trail of the material on the public roadways. The complaints state that coal dust is getting on residents houses, porches, playground equipment, as well as being tracked into local businesses.

On February 26, 2007, I investigated the citizens' complaints and took dust samples from three different locations along the route taken by trucks entering and leaving the Wellsville Terminals facility. Upon my arrival to this area, I noticed a path leading from the Wellsville Terminals parking area to State Route 7. It was evident at that time that material from the Wellsville Terminals parking area was being carried out onto the public roadway. I then met with a couple of residents who had filed complaints with Ohio EPA, NEDO, and took particulate samples of from three locations in the area. These particulate samples were sent to the Hamilton County Department of Environmental Services for analysis. The attached results from this analysis showed that a majority of each sample was made up of coal dust.

Based on the findings from the particulate sampling and the observations of carry out from the Wellsville Terminals parking area made on February 26, 2007, it has been determined that the Wellsville Terminals facility located at 16<sup>th</sup> 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, Permit-to-Operate (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.

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At this time, Ohio EPA is requesting that a compliance plan and time schedule for compliance with the aforementioned requirements be submitted. The plan shall detail the measures that will be taken to ensure that the area of concern will be in compliance with the applicable rules and permit conditions. Please submit the 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.

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

DM:bo

attachment

cc: Dennis Bush, DAPC, NEDO  
Jennifer Kurko, DAPC, NEDO  
Bob Princic, DAPC, NEDO  
Pam Korenewych, DAPC, NEDO  
Tom Kalman, DAPC, CO  
Lisa Holscher, USEPA, Region 5