

Air Pollution Control Division

Canton City Health Department

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Ohio | Environmental
Protection Agency
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Serving All of Stark County

COPY

August 24, 2012

CERTIFIED MAIL

Brian Lester, Plant Manager
Gregory Industries, Inc.
4100 13th Street SW
Canton, OH 44710

Re: NOTICE OF VIOLATION

Gregory Industries, Inc.

Location: 4100 13th Street SW, Canton, OH 44710, Stark County

Facility ID: 1576051532

Dear Mr. Lester:

On May 29, 2012, Canton Ward 3 Councilmember Jim Griffin forwarded to our office letters he had received from four of his constituents who live in the immediate vicinity of your facility's Gate B on 13th Street. The letters included complaints about excessive fugitive dust coming from your facility.

On June 25, 2012, I met with you and Mike Quirin in your office to discuss the complaint letters mentioned above and the corrective action you had already taken to minimize or eliminate fugitive dust, specifically new asphalt paving installed June 20, 2012 on the driveway located at Gate B. Also on June 25, we reviewed in detail the terms and conditions listed in the active permits for your roadways and parking areas (Ref PTI No. 15-1227, issued 1/18/1996, and the associated PTO, issued 12/23/1996). Following our meeting and accompanied by Mike Quirin, I conducted an inspection of the roadways, parking areas and outdoor work areas on the 13th Street side of your facility, including Gates A, B and C.

On July 2, 2012, I again met with you and Mike Quirin in your office, along with Councilmember Jim Griffin, to further discuss the corrective actions that you had already taken to minimize or eliminate fugitive dust. In addition to the new asphalt paving mentioned above, you had also posted additional speed limit signs. Councilman Griffin appeared to be satisfied, and at that point, I considered the complaint investigation closed.

On July 26, 2012, I sent you a letter summarizing our discussions from June 25 and July 2, plus a request for specific additional information regarding the dust control and related recordkeeping requirements in your active permits. On August 6, 2012, I received your response letter and a corrected copy of your Log Book records covering May 12, 2008 through June 20, 2012.

Based on my review of the records and other information you provided on June 25 and August 6, and my inspection on June 25, I believe there have been some violations of your applicable permit requirements. Below is a summary of my findings and violations (where applicable), followed by requested actions necessary to address stated findings and violations.

Finding #1:

Regarding the application of dust suppressant to unpaved roadways and parking areas:

1. No dust suppressant was applied during 2008 and 2009.
2. During 2011, neither "PennzSuppress D" nor any other material similar to MC-30 was applied. Instead, slag was applied on Apr 9. (Note: the letter received 8/6/2012 states that slag was also applied on Jul 6, but the Log Book does not show this.)

Violation of:

Failure to apply suitable dust suppressant to the unpaved roadways and parking areas during 2008, 2009 and 2011 is a violation of the following permit requirements:

"Unpaved roadways and parking areas shall be treated with MC-30 or other similar material a minimum of two times per calendar year in order to minimize or eliminate, at all times, visible emissions of fugitive dust generated by vehicular traffic."

[section 2.D.1. of the terms and conditions of PTI No. 15-1227, issued 1/18/1996]

"All unpaved road segments and parking areas shall periodically be treated with MC-30 or any other suitable dust suppressant, in order to minimize or eliminate, at all times, visible emissions of fugitive dust generated by vehicular traffic."

[section A.2.b.iv.(a) of the terms and conditions of the PTO issued 12/23/1996]

Violation of the terms and conditions of an active PTI or PTO is also considered a violation of Ohio Revised Code (ORC) 3704.05(c), which states:

"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."

Finding #2:

Regarding the equipment used to apply dust suppressant to unpaved roadways and parking areas:

1. The spray bar is hydrostatically controlled to apply 0.3 gal/yd², and the system adjusts automatically to apply material evenly regardless of vehicle speed. The truck always makes two passes, so the total application rate is 0.6 gal/yd², which matches the manufacturer's recommended rate for "PennzSuppress D."
2. The flow metering device is calibrated to apply dust suppressant on a gallons per square yard basis rather than on a flow per minute basis. Therefore, there is no separate flow meter calibrated in gallons per minute.

Violation of:

Failure to use "a spray bar capable of applying dust suppressant solution at a rate of at least 1.3 gallons per square yard of surface, and a certified flow metering device calibrated in units of gallons per minute" are violations of section A.2.b.iv.(a) of the terms and conditions of the PTO issued 12/23/1996.

Finding #3:

There are no records of monthly sweeping or flushing of all paved roadways and parking areas, nor records listing sufficient precipitation as a reason to skip a month.

Violation of:

Failure to sweep or flush all paved roadways and parking each month, or record a decision to skip a month due to sufficient precipitation is a violation of section A.2.b.v.(b) of the terms and conditions of the PTO issued 12/23/1996, which states:

"All paved road segments and parking areas shall, at a minimum, be swept or flushed of surface material once during every month, unless precipitation occurs during such period which is sufficient to minimize or eliminate, at all times, visible emissions of fugitive dust generated by vehicular traffic."

Comments: The permit term listed above conflicts with other requirements for sweeping or flushing frequency, specifically: "as often as necessary" in section 2.E.1. of PTI 15-1227, and "periodically" in section A.2.b.v.(a) of the 12/23/1996 PTO.

Finding #4:

The unpaved roadway at Gate C has been used since the fall of 2008 for all entering trucks, including those that would be described as heavy vehicles with ten or more wheels.

Violation of:

The use of the unpaved roadway at Gate C for heavy vehicles with ten or more wheels is a violation of section 2.E.2. of the terms and conditions of PTI No. 15-1227, issued 1/18/1996 and the identically-worded section A.2.b.v.(c) of the terms and conditions of the PTO issued 12/23/1996, both of which state:

"Heavy vehicles with ten (10) or more wheels shall be limited to traveling and parking on the paved roadways and parking lots. These vehicles shall not travel or park on the unpaved roadways and parking lots."

Requested Actions:

Submit a PTIO application to revise your previous PTO renewal application received on 8/15/2005. This application should include details of all changes made since the previous application, and request updated Terms and Conditions to match today's standards and to remove the requirements described in Findings 2 – 4 above. It is highly recommended that you apply for General Permit Terms and Conditions for both the paved and unpaved roadways and parking areas at your facility. When issued, the permit described above will supersede PTI No. 15-1227, and because it will be a Permit-to-Install and Operate (PTIO), it will also renew your PTO issued 12/23/1996. Further, as soon as the revised permit is issued, you will cease to be in violation of the requirements described in Findings 2 - 4 above, and regarding the requirements described in Finding 1 above, the revised Terms and Conditions will be less restrictive and allow more flexibility on dust control efforts.

Please submit the revised PTIO application requested above to the attention of Carl Safreed within 30 days of receipt of this letter. If more time is needed, please notify Carl Safreed to request an extension. Please be aware, however, that the longer you take to complete the requested action, the longer you will be in non-compliance.

Please note that the Ohio EPA has the authority to seek civil penalties as provided in Section 3704.06 of the Ohio Revised Code (ORC). This letter or information pursuant to this letter does not constitute a waiver of the Ohio EPA's authority to seek civil penalties as provided in the ORC. The decision on whether or not to seek such penalties in this case will be made by Ohio EPA at a later date.

If you have any questions, please contact me at the phone number or email address shown below.

Sincerely,



Carl Safreed, P.E.
Air Pollution Control Engineer
Canton City Health Department
direct line 330-438-4682
csafreed@cantonhealth.org

cc: Bruce Weinberg, Central Office, Ohio EPA
William MacDowell, Region 5 U.S. EPA
Terri Dzienis, APC Division, Canton City Health Department