

**Environmental
Protection Agency**

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

August 3, 2012

Mr. Tim Page
Lordstown Construction Recovery
Lafarge North America, Inc.
6205 Newton Falls- Bailey Rd SW
Warren, OH 44481

CERTIFIED MAIL

Subject: Notice of Violation for Installing Air Pollution Sources without Required Permits and for Fugitive Emission Violations; Lordstown Construction Recovery 02 78 00 0777

Dear Mr. Page:

I appreciate the availability of your staff, Tim Wirtz, during the July 24, 2012 facility inspection. The purpose of the inspection was to determine compliance with the facility's current air pollution control permits and to evaluate the best permitting options for the recently submitted permit applications.

As discussed with your staff during the facility inspection, Lordstown Construction Recovery is in violation of Ohio's air pollution regulations and needs to take prompt action. By August 31, 2012, please submit:

- An air pollution permit application for the un-permitted excavator unloading of long railcars,
- A plan to implement Best Available Technology to minimize or eliminate fugitive emissions from the excavator unloading,
- A plan to mitigate the fugitive visible emissions from the rotary rail car unloading, and
- A plan to mitigate the fugitive visible emission from the landfill working face.

Complete and submit permit applications for the Railcar Unloading by Excavator. Installing and operating the railcar unloading by excavator operation in 2009 without first applying for and receiving a permit-to-install and operate (PTIO) is a violation of Ohio Administrative Code (OAC) rule 3745-31-02 and Revised Code (RC) 3704.05(G). The excavator unloading of long railcars has been determined to be a separate emissions unit from the rotary rail card unloading and subsequent haul truck loading, F003.

- Please submit a complete PTIO application form through air services for the excavator unloading of long railcars by August 31, 2012.
- Please identify the date unloading railcars by excavator(s) began.

Implement Best Available Technology to Minimize or Eliminate Fugitive Emissions from the Excavator Unloading of Railcars.

In addition to operating the excavator unloading of railcars without a permit, the operation is operating with insufficient fugitive dust control measures, in violation of OAC rule 3745-31-05(A).

During the inspection, excessive fugitive dust originated from the excavator unloading operation. The two excavators are not in an enclosure allowing dust from the railcars and the haul trucks to escape freely into the environment. The excavators are fitted with a misting system on the grapple; however, the dust is minimally controlled especially when dust continues from the truck bed or railcar and the grapple with water mist has moved for the next scoop. At times, the water misters were not operated even though waste continued to be unloaded from the long railcars. The C&DD material from the railcars is insufficiently wetted prior to unloading. A violation was not documented during the inspection because unloading was halted at the request of Tim Wirtz.

Best Available Technology for rail car unloading has been established to be:

1. All railcar unloading operations and subsequent truck loading operations shall be done in an enclosed permanent structure.
 2. Plastic sheeting or other similar closures shall be used as dust inhibitors across all truck or railcar doorways.
 3. All open bed vehicles (trucks or train cars) shall use tarps to contain any dusty material whenever the vehicles are outside the loading/unloading structure.
 4. There shall be no visible particulate emissions except for three minutes during any 60-minute period from building egress points.
- Please submit a plan to implement Best Available Technology to minimize or eliminate the fugitive emission from the excavator unloading by August 31, 2012. The plan should include milestones and proposed compliance dates.

Submit a plan to mitigate the visible emissions in excess of the permit allowable from the working face, emissions unit F002.

During the inspection, 5 minutes and 34 seconds of fugitive visible emissions from the activities on the working face were observed. The fugitive emissions were in excess of the 3 minutes per 60 minute period, in violation of permit to install (PTI) 02-16553 July 11, 2002 and OAC rule 3745-31-05(A)(3).

Although a water truck with a hose was operated at the working face while Richard Dezsi of the Mahoning Trumbull Air Pollution Control Agency was observing the operation, the volume of water was insufficient to control the fugitive emissions generated by the material handling and wind. Term 2.d on page 15 of PTI 02-16553 requires that loads, which appear to contain dusty C&DD material, shall be watered prior to depositing the load. By observations at the rail car unloading areas and at the working face, it appears that the C&DD material is not sufficiently wetted either by the customer or by Lordstown Construction Recovery in order to maintain compliance with the permit standards.

- Please begin to sufficiently water the C&DD material prior to handling on the working face in order to minimize or eliminate fugitive visible emissions.
- Please submit a plan to mitigate the fugitive visible emission from the working face by August 31, 2012.

Submit a plan to mitigate the visible emissions in excess of the permit allowable from the rotary rail car unloading and subsequent haul truck loading, emissions unit F003.

During the inspection, 7 minutes and 30 seconds of fugitive visible emissions from the activities at the rotary rail card unloading and haul truck loading were observed during a 20-minute period. The fugitive emissions were in excess of the 6 minutes per 60-minute period standard, in violation of permit-to-install (PTI) 02-16765 issued December 12, 2002 and OAC rule 3745-31-05(A)(3).

Although the water curtain and dust hog water spray were operated intermittently at the rotary railcar dumper and haul truck loading while I was observing the operation, the volume of water was insufficient to control the fugitive emissions generated by the material handling for some loads. PTI 02-16765 requires that reducing drop height, use of water sprays or other control measures be implemented in order to reduce or eliminate fugitive emissions.

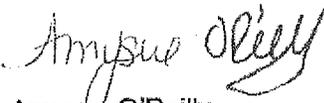
- Please begin to sufficiently water the C&DD material prior to handling in order to minimize or eliminate fugitive visible emissions.
- Please submit a plan to mitigate the fugitive visible emission from the working face by August 31, 2012.

In summary, immediate action is needed for Lordstown Construction Recovery to return to compliance with the current permits and Ohio air pollution control regulations. Be advised that violations of state air pollution regulations are punishable by a civil penalty of \$25,000 per violation. Issuance of this notice does not excuse past violation of federal, state and local laws regarding air pollution. This office reserves the right to pursue violations of air pollution regulations in the form of a referral to Ohio EPA's Central Office.

Please submit the information requested by August 31, 2012. Nothing in this letter prohibits Lordstown Construction Recovery from implementing appropriate dust control measures prior to submitting the required mitigation plans.

If you have any questions, feel free to contact me at (330) 963-1298, or by e-mail at amy.oreilly@epa.state.oh.us.

Sincerely,


Amysue O'Reilly
Environmental Specialist
Division of Air Pollution Control

AO/cc

ec: Misty Koletich, Ohio EPA, NEDO, DAPC
Richard Dezsi, Mahoning Trumbull Air Pollution Control Agency
Faith Terreri, Mahoning Trumbull Air Pollution Control Agency
Tara Cioffi, Mahoning Trumbull Air Pollution Control Agency

cc: Tim Fischer, Ohio EPA, NEDO, DAPC
Bruce Weinberg, Ohio EPA, Central Office, DAPC
Bill McDowell, U.S. EPA, Region 5

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