

SOUTHWEST OHIO AIR QUALITY AGENCY

3/21/2013

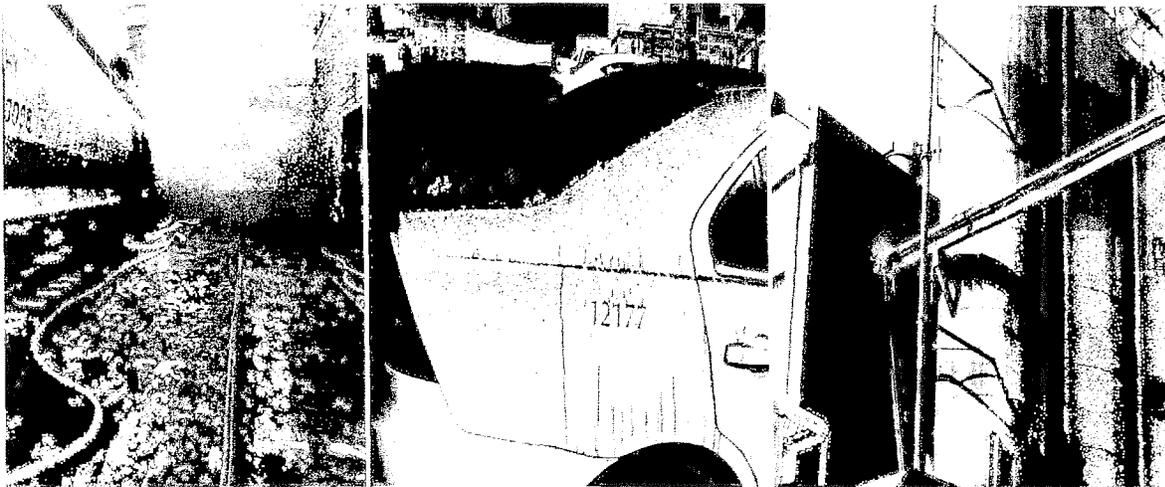
Certified Mail

Linda Smith
S&B Industrial Minerals N.A., Inc.
307 Vaughn St.
Waterloo, IN 50701

Re: NOTICE OF VIOLATION -
Facility ID: 1431071363
S&B Industrial Minerals N.A., Inc.
1262 State Ave, Cincinnati, OH 45204
Hamilton County

Dear Linda Smith:

The Southwest Ohio Air Quality Agency ("Agency") received a complaint about fugitive dust emissions and fallout of the dust on neighboring properties. The complainant sent photos of particulate emissions dated March 7-8, 2013. Agency inspectors conducted a field response on March 12, 2013, finding fugitive dust emissions coming from pneumatic product transfer system at S&B Industrial Minerals.



Photos from S&B Industrial Minerals- 1262 State Ave, Cincinnati Ohio 45204

OAC rule 3745-17-08 (B) states, in part, that no person shall cause or permit any fugitive dust source to be operated; or any materials to be handled, transported, or stored; without taking or installing reasonably available control measures to prevent fugitive dust from becoming airborne. Such reasonably available control measures shall include, but not be limited to the installation and use of hoods, fans, and other equipment to adequately enclose, contain, capture, vent and control the fugitive dust.



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The emissions noted by inspectors and constitute a violation of OAC rule 3745-17-08(B).

OAC rule 3745-15-06(B) states, in part, that in the event that any emission source, air pollution control equipment, or related facility breaks down in such a manner as to cause the emission of air contaminants in violation of any applicable law, the person responsible for such equipment shall immediately notify the Ohio environmental protection agency district office or delegate agency of such failure or breakdown. The failure to report the malfunction is a violation of OAC rule 3745-15-06(B).

Please submit to this office, within two weeks of receipt of this letter, a plan and schedule for achieving compliance. Submit this plan to the attention of John Barlage.

The violations identified above also constitute a violation of Title X, City of Cincinnati Municipal Code and the City of Cincinnati Health Department rules. Title X is enforced by the City Solicitor's Office and the City of Cincinnati Health Department rules are enforced by Hamilton County Environmental Services. The City Solicitor's Office has requested that this agency notify them of all Title X violations identified by this agency. Consequently, a copy of this Notice of Violation has been sent to the City Solicitor's Office. The City Solicitor's Office has requested that a copy of all compliance plans be forwarded to their office. Therefore, please send a copy of the compliance plan to the City Solicitor's Office, attn: Heidi Rosales, City Hall Room 226, 801 Plum Street, Cincinnati, Ohio, 45202.

This letter or information pursuant to this letter does not constitute a waiver of the Ohio Environmental Protection Agency's (EPA) authority to seek civil penalties as provided in Section 3704.06 of the Ohio Revised Code. Ohio EPA will determine later whether to pursue such penalties in this case.

If you have any questions, please contact me at (513)946-7712 or E-mail john.barlage@hamilton-co.org.

Sincerely,



John Barlage
Southwest Ohio Air Quality Agency

ec: Bruce Weinberg, Central Office, Ohio EPA
Brian Dickens, Region 5 U.S. EPA
Heidi Rosales, City Solicitor
Larry Falkin, OEQ