

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)	
)	
S.H. Bell Company)	NOTICE OF VIOLATION
2219 Michigan Avenue)	
East Liverpool, Ohio 43920)	EPA-5-01-OH-17
and)	
1 Saint George Street)	
East Liverpool, Ohio 43920)	
)	
Proceedings Pursuant to the)	
Section 113 of the Clean Air Act,)	
42 U.S.C. § 7413)	

Notice of Violation

The Administrator of the United States Environmental Protection Agency (U.S. EPA) is issuing this Notice of Violation under Section 113(a) (1) of the Clean Air Act, 42 U.S.C. § 7413(a) (1). U.S. EPA finds that S.H. Bell Company (S.H. Bell), at the 2219 Michigan Avenue and 1 Saint George Street Terminals of its East Liverpool facility, violated the Ohio State Implementation Plan (SIP) as follows:

Statutory and Regulatory Background

1. Section 110 of the Act, 42 U.S.C. § 7410, requires each State to adopt and submit a plan which provides for the implementation, maintenance, and enforcement of any national primary or secondary standard established pursuant to Section 109 of the Act, 42 U.S.C. § 7409. These plans are required to include enforceable emission limitations, control measures, schedules for compliance, and permit programs for new sources.
2. Section 110(n) (1) of the Act, 42 U.S.C. § 7410(n) (1), provides that any provision of any applicable implementation plan that was approved or promulgated by the Administrator pursuant to Section 110, as in effect prior to November 15, 1990, shall remain in effect as part of such applicable implementation plan.
3. Pursuant to Section 110 of the Act, 42 U.S.C. § 7410, the Administrator approved Ohio Administrative Code (OAC) Chapter 3745-31 as part of the federally enforceable SIP on October 31, 1980 (45 Fed. Reg. 72119). This approval became effective on October 23, 1980. This includes OAC 3745-31-02 and OAC 3745-31-05, which require a Permit To Install (PTI) and establish criteria for issuing a PTI, respectively.

4. OAC 3745-31-02 provides that no person shall cause, permit, or allow the installation of a new source of air pollutants or cause, permit, or allow the modification of an air contaminant source or a disposal system without first obtaining a PTI from the Director of the Ohio Environmental Protection Agency (OEPA) in accordance with the requirements of this rule.
5. OAC 3745-31-05 provides that the Director of the OEPA may impose special terms and conditions in the PTI as appropriate or necessary to ensure compliance with the applicable laws and to ensure adequate protection of environmental quality.
6. 40 C.F.R. § 52.23 provides that a violation of a PTI is a violation of the SIP.
7. Pursuant to Section 110 of the Act, 42 U.S.C. § 7410, the Administrator approved OAC Chapter 3745-35 as part of the federally enforceable SIP on June 10, 1982 (47 Fed. Reg. 25144). The approval became effective on July 12, 1982. This includes OAC 3745-35-02 which requires a Permit To Operate (PTO).
8. OAC 3745-35-02 provides that no person may cause, permit, or allow the operation or other use of any air contaminant source without applying for and obtaining a PTO from the OEPA in accordance with the requirements of this rule.

**S.H. Bell's 2219 Michigan Avenue Terminal of its East Liverpool Facility
(Stateline)**

9. At the 2219 Michigan Avenue Terminal of its East Liverpool facility, S.H. Bell operates a material handling and temporary storage space for ferrous and nonferrous materials for industry. Material handling consists of services such as particle size reduction, screening, and drying. This terminal has units located in Ohio and Pennsylvania on contiguous property.
10. S.H. Bell owns and operates a West Bag Filling Station (no unit number). It was installed pre 1970. S.H. Bell does not have a current PTO for this unit.
11. S.H. Bell owns and operates an East Bag Filling Station (no unit number). It was installed in 1975. S.H. Bell does not have a current PTO for this unit.
12. S.H. Bell owns and operates a PA Crusher (no unit number). It was installed in 1966. S.H. Bell does not have a current PTO for this unit.

13. S.H. Bell owns and operates a PA Screener (P001). It was installed in 1966. S.H. Bell had a PTO from October 25, 1991 until October 24, 1994, and did not renew the PTO. S.H. Bell does not have a current PTO for this unit.
14. S.H. Bell owns and operates an Area C Screener (F007). It was installed in 1978. S.H. Bell submitted an application for a PTI and PTO in March 1999. S.H. Bell does not have a current PTO for this unit.
15. S.H. Bell owns and operates an Area C Crusher - Screener (F006). It was installed in 1978. S.H. Bell submitted an application for a PTI and PTO in March 1999. S.H. Bell does not have a current PTO for this unit.
16. S.H. Bell owns and operates a Carmen Pelletizing Station (P002). S.H. Bell installed it in 1987 without a PTI. S.H. Bell was issued a PTI on July 7, 1988 and submitted an application for a PTO. S.H. Bell had a PTO from October 25, 1991 until October 24, 1994, and did not renew the PTO. S.H. Bell installed P002 without a PTI and does not have a current PTO for this unit.
17. S.H. Bell owns and operates a Trico Box Filling Station (P001). S.H. Bell installed it in 1986 without a PTI. S.H. Bell was issued a PTI on July 7, 1988 and submitted an application for a PTO. S.H. Bell had a PTO from October 25, 1991 until October 24, 1994, and did not renew the PTO. S.H. Bell installed P001 without a PTI and does not have a current PTO for this unit.
18. S.H. Bell owns and operates a Truck Dump Unloading Station (F003). S.H. Bell installed it in 1961. S.H. Bell had a PTO from June 19, 1992 until June 18, 1995, and did not renew the PTO. S.H. Bell does not have a current PTO for this unit.
19. S.H. Bell owns and operates a River Barge Crane Unloading Station (F003). S.H. Bell installed it in 1978. S.H. Bell had a PTO from June 19, 1992 until June 18, 1995, and did not renew the PTO. S.H. Bell does not have a current PTO for this unit.
20. S.H. Bell owns and operates a Straight Sided Barge Dock (F005). S.H. Bell installed it in 1996 without a PTI. S.H. Bell was issued a PTI on November 19, 1997 and submitted an application for a PTO. S.H. Bell installed F005 without a PTI and does not have a current PTO for this unit.

21. S.H. Bell owns and operates a Rail Car Loading and Unloading Station (F003). It was installed before 1974. S.H. Bell had a PTO from June 19, 1992 until June 18, 1995, and did not renew the PTO. S.H. Bell does not have a current PTO for this unit.
22. S.H. Bell owns and operates a Railed Conveyor (F004). S.H. Bell installed it in 1987 without a PTI. S.H. Bell submitted a PTI application on April 12, 1996 and the PTI was never issued. S.H. Bell submitted a PTO application in September 1997. S.H. Bell installed F004 without a PTI and does not have a current PTO for this unit.
23. S.H. Bell owns and operates Plant Roadways and Parking Areas (F001). S.H. Bell installed them pre-1974. S.H. Bell had a PTO from June 19, 1992 until June 18, 1995, and did not renew the PTO. S.H. Bell does not have a current PTO for this unit.
24. S.H. Bell owns and operates Aggregate Storage Piles (F002). S.H. Bell installed them pre-1974. S.H. Bell had a PTO from June 19, 1992 until June 18, 1995, did not renew the PTO. S.H. Bell does not have a current PTO for this unit.

**S.H. Bell 1 Saint George Street Terminal of its East Liverpool Facility
(Little England)**

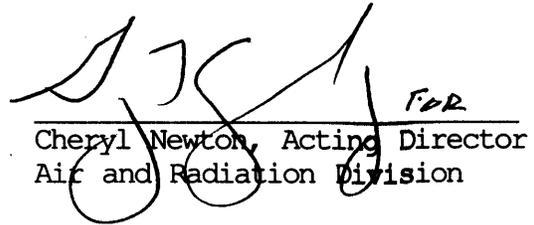
25. At the 1 Saint George Street Terminal of its East Liverpool facility, S.H. Bell operates a material handling and temporary storage space for ferrous and nonferrous materials for industry. Material handling consists of services such as particle size reduction, screening, and drying. This terminal has units located only in Ohio on adjacent property.
26. S.H. Bell owns and operates a Barge Unloading and Truck Dumping Station (F003). It was installed in 1972. S.H. Bell had a PTO from June 19, 1992 until June 18, 1995, and did not renew the PTO. S.H. Bell does not have a current PTO for this unit.
27. S.H. Bell owns and operates a Simplicity Screener (F004). It was installed in 1974. S.H. Bell had a PTO from October 2, 1992 until October 1, 1995, and did not renew the PTO. S.H. Bell does not have a current PTO for this unit.

28. S.H. Bell owns and operates a Kue-Ken Crusher and Screening System (F005). S.H. Bell installed it in 1974, but S.H. Bell replaced the crusher on September 14, 1990. S.H. Bell submitted a PTI application for the replacement on April 24, 1991 and the PTI was never issued. S.H. Bell had a PTO from September 6, 1991 until September 5, 1994, and did not renew the PTO. S.H. Bell modified F005 without a PTI and does not have a current PTO for this unit.
29. S.H. Bell owns and operates a Hammermill (P901). S.H. Bell installed it in 1994 without a PTI. S.H. Bell was issued a PTI on December 1, 1999 which required the new baghouse to be installed by February 28, 2000. To date, S.H. Bell has not installed the new baghouse. S.H. Bell submitted an application for a PTO on September 1, 1999. S.H. Bell installed P901 without a PTI, violated the PTI which was issued on December 1, 1999 by failing to install a baghouse by February 28, 2000, and does not have a current PTO for this unit.
30. S.H. Bell owns and operates a Boxing and Bagging System (no unit number). S.H. Bell installed it in 1997 without a PTI. S.H. Bell does not have a PTI or a current PTO for this unit.
31. S.H. Bell owns and operates Screen Boxes (no unit number). S.H. Bell installed it in 1974. S.H. Bell does not have a current PTO for this unit.
32. S.H. Bell owns and operates Plant Roadways and Parking Areas (F001). S.H. Bell installed them pre-1974. S.H. Bell had a PTO from June 19, 1992 until June 18, 1995, did not renew the PTO. S.H. Bell does not have a current PTO for this unit.
33. S.H. Bell has custody of, and operates Aggregate Storage Piles (F002). S.H. Bell installed them pre-1974. S.H. Bell had a PTO from June 19, 1992 until June 18, 1995, did not renew the PTO. S.H. Bell does not have a current PTO for this unit.

Violations

34. As detailed above, S.H. Bell failed to apply for and receive a Permit to Install prior to the installation of the above-enumerated sources at the Little England and Stateline terminals of its East Liverpool facility, in violation of OAC 3745-31-02. S.H. Bell also operated the above-enumerated sources at the Little England and Stateline terminals of its East Liverpool facility, without a Permit To Operate in violation of OAC 3745-35-02.
35. S.H. Bell failed to install the baghouse required in the PTI for the Hammermill (P901) at the Little England terminal of its East Liverpool facility. Pursuant to 40 C.F.R. 52.23, failure to comply with a Permit to Install is a violation of the Ohio SIP.

5/25/01
Date


Cheryl Newton, Acting Director
Air and Radiation Division

CERTIFICATE OF MAILING

Re: Notice of Violation at S.H. Bell Company, East Liverpool, Ohio

I, Loretta Shaffer, do hereby certify that a Notice of Violation and Finding of Violation Pursuant to the Clean Air Act were sent by Certified Mail, Return Receipt Requested, to:

John M. Bell, President
S.H. Bell Company
644 Alpha Drive
Pittsburgh, Pennsylvania 15238

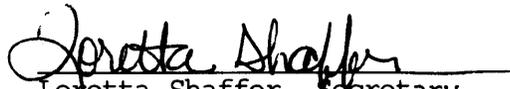
I, Loretta Shaffer, certify that a copy of the Notice of Violation and Finding of Violation Pursuant to the Clean Air Act were sent by First Class Mail to:

Robert Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency
Lazarus Government Center
P.O. Box 1049
Columbus, Ohio 43216-1049

Dennis Bush, APC Supervisor
Ohio Environmental Protection Agency
Northeast District Office
2110 East Aurora Road
Twinsburg, Ohio 44087

Kenneth S. Komoroski
Kilpatrick & Lockhart, LLP
Henry W. Oliver Building
535 Smithfield Street
Pittsburgh, PA 15222-2312

on the 29th day of MAY, 2001.


Loretta Shaffer, Secretary
AECAS - OH/MI

CERTIFIED MAIL RECEIPT NUMBER: 7099 3400 0000 9581 2342