



State of Ohio Environmental Protection Agency

**Northeast District Office**

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Twinsburg, Ohio 44087

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

January 19, 2010

**CERTIFIED MAIL**

Mr. John Annichenni  
City Concrete LLC  
P.O. Box 3167  
Youngstown, Ohio 44513

RE: Notice of Violation  
City Concrete LLC  
Ohio EPA ID# 0250111005

Dear Mr. Annichenni:

The following correspondence is in response to our telephone conversation of January 15, 2010, concerning the unpermitted torch cutting operations taking place at the City Concrete (Ohio EPA ID# 0250111005) facility located on Division St. in Youngstown, Ohio.

The Mahoning Trumbull Air Pollution Control Agency (MTAPCA), on several occasions over the last two week period (January 5-15, 2010), has observed unpermitted torch cutting operations at the City Concrete location. To date, no permits-to-install and operate (PTIOs) have been issued for these torch cutting operations. Currently, this emissions source is in violation of state air pollution laws and regulations.

During both MTAPCA site visits, visible emissions from the torch cutting operations were significant (0-100%) and most likely in violation of allowable visible emissions standards.

Please understand that you are currently in violation of state law for installing and operating an air emissions source without a permit. This emissions source began operations prior to issuance of the appropriate issuance of a PTIO by the Ohio EPA. Please be advised that the Ohio Administrative Code (OAC) Rule 3745-31-02 requires that the owner/operator of any air contaminant source installed on or after January 1, 1974, must apply for and obtain a PTIO unless exempted by OAC Rule 3745-31-03 or OAC Rule 3745-15-05.

MR. JOHN ANNICHENNI  
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The Ohio Revised Code (ORC) provided penalties in the form of fines in the aforementioned rules of the OAC. Any direct violations of state air pollution regulations are punishable by civil penalties of up to \$25,000 per day per violation.

The permits currently in place for the concrete batch plant do not in any way allow for the torch cutting of any materials at this facility. This is, therefore, an official notice requiring City Concrete to submit the required permit applications and supporting data to the Ohio EPA, Division of Air Pollution at the Northeast District Office, within 7 days of receipt of this correspondence.

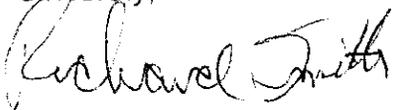
Please be advised that this facility has been in violation of air pollution permit laws and regulations in the past resulting in enforcement actions taken by the Ohio EPA in 2003.

The submission of the requested information does not constitute a waiver of Ohio EPA's authority to seek civil penalties as provided in ORC 3704.06 or for USEPA to seek civil penalties pursuant to federal law. Ohio EPA will decide whether to pursue or decline to pursue penalties regarding this matter at a later date.

The Ohio EPA trusts that voluntary compliance will be forthcoming so that it will not be necessary to refer this matter to our Central Office (CO) or the State of Ohio Attorney General's Office for further legal action(s).

Should you have any questions concerning this correspondence or its content, do not hesitate to call me for further discussions.

Sincerely,



Richard Smith  
Environment Engineer  
Division of Air Pollution Control (DAPC)

RS:bo

pc: Ed Fasko, Unit Supervisor, DAPC, NEDO  
Tim Fischer, Enforcement Coordinator, DAPC, NEDO  
Tom Kalman, Enforcement Coordinator, DAPC, CO  
Tara Cioffi, Sanitarian, MTAPCA  
Lisa Holscher, US EPA Region V