





State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Road
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468
www.epa.state.oh.us

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

Re: Richland County
Lexington Concrete
Premise#: Not yet assigned
Notice of Violation

CERTIFIED MAIL
7009 0820 0000 0591 9846

October 5, 2009

Mr. Marty Moritz
Moritz Concrete
P.O. Box 1342
Mansfield, Ohio 44901

Dear Mr. Moritz:

This letter shall serve as follow-up to the inspection conducted on September 29, 2009, by Carol Norman and myself, of Lexington Concrete, at 230 South Mill Street in Lexington. The purpose of this inspection was to investigate an anonymous complaint, and to determine the compliance status of all air contaminant emissions units located there.

Based on our discussion, and our observations during the inspection, findings are as follows:

1. Facility conditions made it impossible to determine the validity of the complaint. There was a light rain falling, and no dust was observed. The plant was not in operation at the time of inspection. It is difficult to infer from this inspection what facility conditions would be under full operations on a hot, dry day. This complaint will remain open and additional inspections will be necessary.
2. This facility was installed by the previous owner in May 2007. Moritz Concrete purchased the facility in May 2008. The Division of Air Pollution Control has no record of an application for a permit to install and/or operate being submitted for the concrete batch plant, roadways and storage piles at this facility. Installation of this facility without first obtaining a permit to install or a permit to operate is a violation of Ohio Administrative Code (OAC) rules 3745-31-02(A), 3745-35-02 and Ohio Revised Code (ORC) 3704.05.

Mr. Marty Moritz
October 5, 2009
Page 2

3. A written response to this letter is requested by November 13, 2009. It should be submitted to Ohio EPA, Northwest District Office and contain a compliance plan to prevent and/or remedy any potential dust emissions at the facility resulting from plant operations. The response should also include complete PTIO applications, including all applicable emissions activity category (EAC) forms, emissions calculations and process flow diagrams for the batch plant, paved and unpaved roadways and storage piles.
4. There are General Permits for concrete batch plants, roadways and storage piles. Please review these documents by going to <http://www.epa.ohio.gov/dapc/genpermit/genpermits> for instructions on submitting materials for these permits.

Please note that the submission of information to respond to this letter does not constitute a waiver of Ohio EPA's authority to seek civil penalties pursuant to ORC section 3704.06. The Ohio EPA will make the decision on whether to pursue or decline to pursue such penalties regarding this matter at a later date.

Our agency's Office of Compliance Assistance and Pollution Prevention (OCAPP) is available to any qualifying small business to assist in achieving and maintaining compliance with Ohio's environmental regulatory programs. More information pertaining to OCAPP is also available on our website at <http://www.epa.state.oh.us/ocapp/ocapp.html>. Should you choose to contact OCAPP for assistance with issues pertaining to this letter, please contact Ron Nabors at (419) 373-3147. Also, should you contact OCAPP for assistance, please inform our office so that a new deadline for application submission can be determined.

Thank you, again, for accommodating our unannounced visit on the 29th. If the company has any questions and/or comments concerning this letter, please contact me at the above address, by calling 419.373.3069, or electronically at elizabeth.murphy@epa.state.oh.us.

Sincerely,



E. Jay Murphy
Division of Air Pollution Control
/csl

pc: Andy Stehle, Lexington Concrete
Lisa Holscher, U.S. EPA Region V
Tom Kalman, DAPC - CO
Don Waltermeyer, DAPC - NWDO
Facility File, DAPC - NWDO

