



REGIONAL AIR POLLUTION CONTROL AGENCY

Serving Clark, Darke, Greene, Miami, Montgomery & Preble Counties

117 South Main Street, Dayton, Ohio 45422-1280

937-225-4435 — Fax: 937-225-3486

www.rapca.org

March 27, 2007

Certified Mail

Mr. Daniel Crago
Environmental Manager
Valley Asphalt Corporation
11641 Mosteller Road
Cincinnati, OH 45241

Regarding: Failed performance test at Valley Asphalt, Plant #7, Ohio EPA Facility ID 0857821893.

Dear Mr. Crago:

WARNING LETTER

On October 19 and 20, 2006, Valley Asphalt Corporation (Valley) conducted a performance test on Ohio EPA emissions unit P001, an asphalt batch plant. The purpose of this test was to demonstrate compliance with the emissions limitations contained in Permit to Install (PTI) 08-03264 for Particulate Emissions (PE), Carbon Monoxide (CO), Volatile Organic Compounds (VOC), Nitrogen Oxides (NO_x) and Sulfur Dioxide (SO₂).

Pursuant to PTI 08-03264, issued on January 7, 2003, P001 is limited to CO emissions of 26.5 lbs/hr and NO_x emissions of 7.94 lbs/hr. These limits were established using a facility-based emissions factor derived from stack testing the emissions unit in August 2001. The average CO emissions rate for P001 during the October 2006 performance test was determined to be 28.8 lbs/hr and the average NO_x emissions rate was determined to be 10.9 lbs/hr. This letter serves as official notification that Valley operated P001 in violation of PTI 08-03264 and Ohio Revised Code (ORC) section 3704.05.

Accompanying the stack test report received by RAPCA on December 12, 2006, was a letter from Valley requesting that the emissions limits for CO and NO_x be increased to levels which were 10% above those at which P001 tested in October 2006. Because the CO and NO_x limits established in PTI 08-03264 were based on 2001 site specific stack test data for P001, RAPCA denies the facility's request to increase the emissions limitations. Valley provided no reasons for the failed CO and NO_x compliance demonstration.

During the time of the October 2006 performance test, a RAPCA representative inquired about burner tuning records for P001. Valley explained that the burner was cleaned in February 2006

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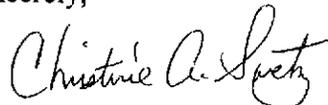
but not tuned. Within 14 days of P001 commencing operation in 2007, RAPCA is requiring that Valley have the burner tuned. If operation has already begun for the year, RAPCA requires that the burner be turned within 14 days of receipt of this letter. RAPCA also requests that Valley submit a written statement verifying this maintenance has been completed along with the startup date, or anticipated startup date, of P001.

It was RAPCA's understanding that due to limited aggregate and limited production, Valley had at one time considered moving this facility. If Valley intends to continue operating P001 in its current location, it is imperative that compliance for CO and NO_x be demonstrated as soon as possible. To resolve this issue, RAPCA requires that, within 14 days of commencing operation of P001, Valley submit an Intent to Test (ITT) for conducting a performance test for CO and NO_x. If asphalt production from P001 has already begun, RAPCA requires that an ITT for performance testing be submitted within 14 days of receipt of this letter. The performance testing is to be completed within 30 days of submission of the ITT.

Also during review of the October 2006 stack test, it came to RAPCA's attention that P001 is not in compliance with Part II.B.3 of PTI 08-03264 which states, "*Used oil containing more than 1000 ppm total halogens is presumed to be a hazardous waste under the rebuttable presumption provided under 40 CFR Part 266.40(c) and OAC rule 3745-58-50. Therefore, the permittee may receive and burn used oil exceeding 1000 ppm of total halogens (but less than 5000 ppm, maximum) only if the supplier ["marketer" in 40 CFR Part 266.43(a)] has demonstrated to the Ohio EPA's Division of Solid and Hazardous Waste Management that the used oil does not contain any hazardous waste.*" The used oil analysis from Valley's supplier, Metalworking Lubricants, does not contain the required disclaimer. It is RAPCA's understanding from follow up conversations with Valley that omission of the above information from the analysis was an error. RAPCA requests that Valley obtain a written disclaimer statement from Metalworking Lubricants for all past used oil shipments. Please submit the disclaimer for past shipments to RAPCA within 30 days of receipt of this letter. This statement should be included with all future analyses on used oil shipments as well.

RAPCA appreciates your cooperation in resolving the above issues. If you have any questions regarding this matter, please contact me at (937) 496-7541.

Sincerely,



Christine A. Swetz
Air Pollution Control Specialist

cc: Tom Kalman, OEPA
Lisa Holscher, USEPA Region V
Christopher Clinefelter, RAPCA (via e-mail)
Maria Cruset, RAPCA (via e-mail)
Lisa Jeter, RAPCA (via e-mail)

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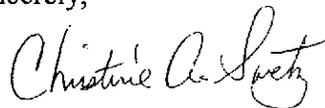
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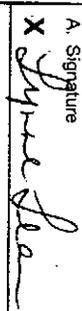
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2. Article Number (Transfer from service label) 7002 0510 0000 7312 4374	
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540	
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