



**Environmental
Protection Agency**

Ted Strickland, Governor
Lee Fisher, Lt. Governor
Chris Korleski, Director

Re: Erie County
Ohio Concrete Crushing Ltd.
12300 Strecker Road
Bellevue, OH 44811
Facility ID #0322950001
Notice of Violation (NOV)

August 13, 2010

CERTIFIED MAIL

Mr. Scott Lauber, Owner
Ohio Concrete Crushing Ltd.
12300 Strecker Road
Bellevue, Ohio 44811

Dear Mr. Lauber:

This letter shall serve as follow-up to the complaint investigation conducted at 5601 Cherry Street in Stony Ridge on August 6, 2010. The investigation was completed by Mr. Thomas Cikotte, a representative of the Division of Air Pollution Control (DAPC) at the Northwest District Office (NWDO). Mr. Cikotte's letter dated August 12th to your attention is the backdrop for this NOV.

Based on Mr. Cikotte's investigation and a review of the facility file at NWDO, the following conclusions have been reached:

1. Ohio Concrete Crushing Ltd. (herein referred to as OCC) is operating a portable aggregate processing plant that was issued a Permit to Install (PTI) #03-16375 on July 26, 2005. Prior to that, OCC was operating the plant without a permit in violation of rules and regulations of DAPC as memorialized in the NOV letter dated July 30, 2004.
2. OCC has failed to submit an Intent to Relocate (ITR) form as it moves from site to site within Ohio's boundaries. This is a violation of Ohio Administrative Code (OAC) rule 3745-31-03(A)(1)(p) and Ohio Revised Code (ORC) section 3704.05.
3. OCC is in violation of the terms and conditions of the issued PTI. A list of violations is summarized per emission unit:
 - a. For the portable aggregate processing plant identified as emissions unit F001, the following are violations of the terms and conditions of the PTI:
 - i. OCC has failed to submit any deviation reports, as is required in D.1., from the time the PTI was issued until present;

- ii. OCC has failed to conduct emission testing of all transfer points, screens and the crusher in violation of 40 Code of Federal Regulations (CFR) Part 60, Subpart A, Section 60.8 and 40 CFR Part 60, Subpart OOO, Section 60.675, and E.1. through E.6. of the PTI;
 - iii. OCC has failed to comply with D.2. of the PTI;
 - iv. OCC has failed to report the construction date, actual start-up date and date of performance testing as is required in D.4. of the PTI;
 - v. OCC has failed to submit annual reports by January of each year in violation of D.5. of the PTI; and,
 - vi. OCC has relocated a number of times without submitting an ITR in violation of the Miscellaneous Requirements section of the PTI.
 - b. For the material storage piles identified as emissions unit F002, the following violation is recorded;
 - i. OCC has failed to submit any deviation reports in violation of the General terms and Conditions of the PTI.
 - c. For the unpaved roadways identified as emissions unit F003, the following violation is recorded;
 - i. OCC has failed to submit any deviation reports in violation of the General terms and Conditions of the PTI.
 - d. For the 115 horsepower diesel generator identified as emissions unit P001, the following violation is recorded;
 - i. OCC has failed to submit any deviation reports in violation of the General terms and Conditions of the PTI.
 - e. For the 350 horsepower diesel generator identified as emissions unit P002, the following violation is recorded;
 - i. OCC has failed to submit any deviation reports in violation of the General terms and Conditions of the PTI.
- 4. OCC is required to submit annual reports that identify the amount of material processed through the feeder in tons per year for years 2005 through 2009.
- 5. It is unknown whether OCC has maintained any compliance with the operating, monitoring or record keeping requirements in the permit since no deviation reports have been submitted to-date.

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Please submit the required information indicated above by no later than September 24, 2010. 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.

If you have any questions and/or comments about this letter, feel free to contact me electronically at mohammad.smidi@epa.ohio.gov or call me at (419) 373-3118.

Respectfully,



Mohammad Smidi
Environmental Specialist
Division of Air Pollution Control

/llr

pc: Lisa Holscher, US EPA Region V
Mark Budge, DAPC/NWDO
Tom Kalman, DAPC/CO
DAPC-NWDO County File
Certified Receipt Number 7009 1680 0002 4297 3343

ec: Ron Nabors, DAPC/NWDO
Thomas Cikotte, DAPC/NWDO
Tom Sattler, DAPC/NWDO

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1. Article Addressed to:

MR SCOTT LAUBER
ONE CONCRETE PAVING
12304 SINDLER ROAD
BLUE GROVE OH 44511

COMPLETE THIS SECTION ON DELIVERY

A. Signature

William Lauber

Agent

Addressee

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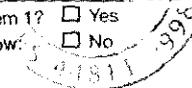
William Lauber

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