



Environmental
Protection Agency

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

July 13, 2011

CERTIFIED MAIL

Mr. Jim Scheub – Regulatory Compliance Manager
Gerken Materials, Inc. HMA 21
9072 U.S. Route 24
Napoleon, Ohio 43545

Re: Notice of Violation (NOV/non-HPV) based on inspection conducted at Gerken Materials Inc., Plant #21 (0335980006), 13762 County Road 179, Oakwood, OH 45873 on June 30, 2011.

Dear Mr. Scheub:

This letter shall serve as a follow-up to the inspection conducted on June 30, 2011, of the above referenced facility by this writer. The purpose of this inspection was to determine the compliance status of all air contaminant sources located at the facility.

Based on my discussions with the plant operator, our discussions, my observations during the inspection and a review of the company's files, my findings are as follows:

1. Facility history: This facility was originally permitted under a synthetic minor Permit To Install (PTI) #04-970, issued on October 25, 1995, to Stoneco Inc. under premise number 0448030014, with an office location of 1345 Ford Street, Maumee, OH 43537 and a plant location of 13762 County Road 179, Oakwood, OH 45873. Emissions units listed in the permit include: P004 (250 TPH portable batch mix asphaltic cement plant #71); F010 (storage piles and aggregate handling); and F011 (plant roadways and parking areas). The facility was sold to Gerken Materials on March 11, 2004, under premise number 0335980006 with an office location of 9072 U.S. Route 24, Napoleon, OH 43545 and the same plant location as previously noted. To date, Gerken has been operating the facility in accordance with PTI#04-970. On June 9, 2011, Gerken submitted a permit modification request (P0108266) to this office to resolve confusion that has persisted since the transfer of ownership and to add processed singles and slag as permitted mix materials.
2. P004 - 250 TPH portable batch mix asphalt cement plant: Currently this emissions unit is permitted under PTI# 04-970, issued October 25, 1995. Please note that under pending permit modification P0108226, submitted June 9, 2011, this emissions unit ID will change from P004 to P901.

During the inspection, fugitive dust emissions were observed originating from the top of the screen deck. According to the company, the emissions were being caused by the vibration of the unit which causes seals to wear out and fail which in turn causes the fugitive emissions. Gerken Materials is responsible for regular maintenance of a source in accordance with good engineering practices and the recommendations of the respective manufacturers in order to minimize air contaminant emissions. The company shall submit a corrective action plan to this office outlining the measures that will be taken to resolve this issue and a time line for doing so.

During the inspection and subsequent review of our office files this office is unable to find any record of emissions testing or NSPS testing for particulate matter and SO₂ per the permit requirements for this unit. Failure to conduct emissions testing is a violation of the permit performance testing requirements and 40 CFR Part 60 Subpart I. The company shall submit any records of testing conducted on this emissions unit to this office for review. If the company does not have record of testing for this unit, the company shall state as such and the understanding of why the testing was never conducted.

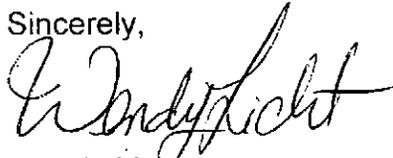
3. F011 – roadways and parking areas: Currently this emissions unit is permitted under PTI#04-970, issued October 25, 1995. Please note that under permit modification P0108226, submitted June 9, 2011, this emissions unit ID will change from F011 to F001. This source appears to be in compliance with air pollution control regulations of the Ohio EPA at this time.
4. F010 – storage piles and aggregate handling: Currently this emissions unit is permitted under PTI#04-970, issued October 25, 1995. Please note that under permit modification P0108226, submitted June 9, 2011 this emissions unit ID will change from F010 to F002. This source appears to be in compliance with air pollution control regulations of the Ohio EPA at this time.

Ohio EPA requests that Gerken Materials Inc. submit a written response with the information referenced above by August 19, 2011. Please note that the submission of the requested information to respond to this letter does not constitute a waiver of the 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.

Mr. Jim Scheub – Regulatory Compliance Manager
July 13, 2011
Page 3

I would like to thank you for the courtesy extended during my visit. Should you have any questions or comments concerning this letter, please feel free to contact me at (419) 373-3134 or electronically at wendy.licht@epa.state.oh.us.

Sincerely,



Wendy Licht
Division of Air Pollution Control

/llr

pc: Tom Kalman, DAPC-CO
William MacDowell, US EPA Region 5
~~DAPC-NWDO File~~
Certified Mail Receipt Number 7009 1410 0001 1840 2932

ec: Jennifer Jolliff, NWDO, DAPC
Wendy Licht, NWDO, DAPC