



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Rd.
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468
www.epa.ohio.gov

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

Re: Seneca County
MGQ Aggregates, Inc.
Premise #0374020222
Notice of Violation

January 12, 2010

~~CERTIFIED MAIL~~

Mr. Lynn Radabaugh, President
MGQ Aggregates, Inc
1525 West County Road 42
PO Box 130
Old Fort, Ohio 44861

Dear Mr. Radabaugh,

This letter shall serve as a Notice of Violation (NOV) at the above mentioned facility regarding the company's failure to conduct compliance testing on emissions unit P901 in accordance with 40 Code of Federal Regulations (CFR) Part 60, Subpart 000. Although this rule is not specifically identified in Permit to Install and Operate (PTIO) #P0104315, issued 01/09/09, the facility is applicable to this regulation as a result of installing a crusher to the processing line on 07/06/09. The testing requirements of Subpart 000 indicate that the company must conduct emissions testing within 60 days after achieving the maximum production rate, but no later than 180 days after initial start up of the emissions unit. To date, the emission testing has not been performed. This is a violation of the testing requirements of 40 CFR Part 60.8.

The company is aware that a portion of the operations are applicable to the New Source Performance Standards (NSPS) 000 requirements. Additionally, through previous correspondence, the company has indicated that this performance testing will be conducted following the submission of PTIO modification application. The company has provided an anticipated date for submittal of the application as 05/01/10. It should be noted that each day the facility operates without conducting the required performance test extends the duration of the violation.

Please be advised that the submission of information to respond to this letter does not constitute waiver of the Ohio EPA's authority to seek civil penalties pursuant to Ohio Revised Code Section 3704.06. The Ohio EPA will make a decision whether to pursue such penalties regarding this matter at a later date.

Mr. Lynn Radabaugh
January 12, 2010
Page Two

If you have any questions and/or comments about this letter, please feel free to contact me electronically at brian.riedmaier@epa.state.oh.us or by phone at (419) 373-3110.

Sincerely,



Brian Riedmaier
Environmental Specialist

/lb

pc: Tom Kalman, DAPC/CO
Lisa Holscher, US EPA Region V
DAPC/NWDO File
7007 2560 0000 4485 7182

ec: Don Waltermeyer, DAPC/NWDO
Andrea Odendahl, DAPC/NWDO
Tom Sattler, DAPC/NWDO
Wendy Licht, DAPC/NWDO

7007 2560 0000 4485 7182

U.S. Postal Service™	
CERTIFIED MAIL™ RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
Postage	\$ 44
Postmark	MEMPHIS
Postage and Fees	354
Signature of Addressee	
Signature of Recipient	

PS Form 3800, August 2006 See Reverse for Instructions