



**Environmental  
Protection Agency**

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

Re: Wood County  
Bowers Asphalt & Paving  
Premise #0387040084  
**Inspection Letter  
Notice of Violation**

August 26, 2010

CERTIFIED MAIL

Mr. David Bowers, Vice President  
Bowers Asphalt & Paving  
6157 Walbridge Road  
Walbridge, Ohio 43465

Dear Mr. Bowers,

This letter shall serve as a follow-up to the Division of Air Pollution Control (DAPC) inspection conducted on July 13, 2010, at the above referenced facility by this writer. The purpose of the inspection was to determine the compliance status of all air contaminant sources located at the facility. Based on our discussions, our observations during the inspection and a review of the company's files, our findings are as follows:

1. Bowers Asphalt & Paving (BA&P) is required to perform and record daily, visible fugitive particulate emissions observations from the roadways (emissions unit F001) and storage piles (emissions unit F002) per the requirements in Permit to Install and Operate (PTIO) #03-16316 issued on August 21, 2008. The company is also required to record the dates fugitive dust control measures are employed.

These records were not available during the inspection. Based on our conversations, BA&P alleges it has performed the observations and employed control measures, when warranted, but has never recorded this information. For each day and each emissions unit, the failure to perform and record these daily visible emissions observations, employ fugitive dust control measures and record the dates control measures were employed is a violation of the monitoring and recordkeeping requirements of the permit and Ohio Revised Code (ORC) Section 3704.05.

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Northwest District Office (NWDO) requests that the permittee submit a copy of the visible emissions/control measures log sheet that will be used in the future to record this information. Also, please provide the date(s) the company corrected the violations and began the proper monitoring and recordkeeping for each emissions unit.

2. The company is required to maintain fuel supplier certifications in order to demonstrate compliance with sulfur content operational restriction for the 810 hp diesel-fired engine (emissions unit P001). The certification from the fuel supplier shall include a statement indicating that the oil complies with the maximum allowable sulfur weight percentage. The compliance status of this unit could not be determined at the time of the inspection since this information was not available. At this point, these are violations of the monitoring and recordkeeping requirements of PTIO #03-16316 and ORC Section 3704.05. The company indicated that this information is kept at another location and can be provided to NWDO for review.
3. BA&P is required to maintain monthly records of the fuel usage for emissions unit P001. The gallon usage records must also be kept on a rolling, 12-month basis. This information was not provided during the inspection and the company believes that the fuel usage for this emission unit is maintained at another location and can be provided. In addition, although the fuel usage records can be determined, BA&P indicated that the records are not currently kept on a rolling, 12-month basis. These are violations of the monitoring and recordkeeping requirements of PTIO #03-16316 and ORC Section 3704.05.

NWDO requests that the company provide a summary of the monthly and rolling, 12-month fuel usage records since issuance of the permit.

4. BA&P is required to monitor and record the pressure drop across the baghouse serving the 160 ton/hour batch mix asphalt plant (emissions unit P901) on a daily basis. Once again, these records were not available on the date of the inspection. Failure to record the differential pressure each day is a violation of the monitoring and recordkeeping requirements of PTIO #03-16316 and ORC Section 3704.05.

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NWDO requests that the permittee submit a copy of the pressure drop log sheet that will be used in the future to record this information. Also, please provide the date the company corrected the violations and began the proper monitoring and recordkeeping for this emissions unit.

5. The company is required to maintain monthly asphalt production records, along with the maximum percentage of reclaimed asphalt pavement (RAP) used in any mix during that month, for emissions unit P901. Furthermore, the company is required to maintain the rolling, 12-month summation of asphalt production, following the first 12 calendar months since issuance of PTIO #03-16316. This information was not provided during the inspection in a readily available format and BA&P believes that the production and RAP percentage records can be provided. Failure to maintain and record the monthly asphalt production in accordance with the terms and conditions of the permit are violations of the monitoring and recordkeeping requirements of PTIO #03-16316 and ORC Section 3704.05.

NWDO requests that the company submit a summary of the monthly asphalt production, including the maximum RAP percentage used in any mix and the rolling, 12-month summation of asphalt production (when applicable), since issuance of the permit.

6. BA&P is required to maintain records of the total quantity of #2 fuel oil received and an analysis of the sulfur and heat contents for each shipment of oil received to be used for burning in emissions unit P901. The compliance status of this unit could not be determined at the time of the inspection since this information was not available. At this point, these are violations of the monitoring and recordkeeping requirements of PTI #03-16316 and ORC Section 3704.05. BA&P indicated that this information is kept at another location and can be provided to NWDO for review.
7. The company is required to perform and record daily, visible particulate emissions observations from the baghouse stack serving emissions unit P901. These records were not available during the inspection. Based on our conversations, the company alleges it is performing the required visible emissions checks, the visible emissions have always been in conformance with permit conditions, but has failed to ever record this information. Failure to perform and record the daily visible emission observations are violations of the monitoring and recordkeeping requirements of PTIO #03-16316 and ORC Section 3704.05.

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NWDO requests that the company submit a copy of the visible emissions log sheet that will be used in the future to demonstrate compliance with the terms and conditions established in the above mentioned permit. Also, please provide the date(s) the company corrected the violations and began the proper monitoring and recordkeeping for each emissions unit.

8. The company is required to perform and record daily, visible fugitive particulate emissions observations from the hot aggregate elevator, vibrating screens, weigh hopper, aggregate storage bins and cold aggregate elevator/conveyor serving emissions unit P901. These records were not available during the inspection. Based on our conversations, the company alleges it is performing the required visible emissions checks, the visible emissions have always been in conformance with permit conditions, but has failed to ever record this information. Failure to perform and record the daily visible emission observations are violations of the monitoring and recordkeeping requirements of PTIO #03-16316 and ORC Section 3704.05.

NWDO requests that the company submit a copy of the visible emissions log sheet that will be used in the future to demonstrate compliance with the terms and conditions established in the above mentioned permit. Also, please provide the date(s) the company corrected the violations and began the proper monitoring and recordkeeping for each emissions unit.

9. BA&P is required to submit quarterly deviation reports for emissions units P001 and P901 that identify any excursions of the emission limitations, operational restrictions and/or control device operating parameter limitations established in PTIO #03-16316. The terms and conditions of the permit specifically indicate that a deviation report is still required in the event that no deviations occurred during the reporting period. To date, NWDO has not received any quarterly deviation reports. Failure to submit the required deviation reports are violations of the reporting requirements of the permit and ORC Section 3704.05.

NWDO requests that the company submit all required quarterly deviation reports since the issuance of the permit. These reports shall be submitted to NWDO via the Air-Services link of the e-Business Center.

10. The company is required to conduct emission testing for emissions unit P901, in accordance with the testing requirements of PTIO #03-16316.

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The testing is required to be conducted within 60 days after achieving the maximum process weight rate, but not later than 120 days after initial start-up of the emission unit. For this instance, the initial start-up date corresponds to the first day of operation following the issuance of the permit. To date, testing of this emissions unit has not been performed and is a violation of the testing requirements of PTIO #03-16316 and ORC 3704.05.

NWDO requests that the company provide a plan for when this testing will be completed.

Please note, during the required compliance demonstration, the company is required to establish a pollutant baseline concentration using the portable monitor that will be used for future burner tuning procedures in order to ensure ongoing compliance (See enclosure/burner tuning procedure).

11. BA&P is required to submit annual reports for emissions unit P901 indicating the results of each burner tuning procedure from the previous calendar year. Once again, these reports are required to be submitted to NWDO, via Air-Services, by January 31 each year. To date, NWDO has not received any burner tuning reports. Failure to submit the required reports are violations of the reporting requirements of PTIO #03-16316 and ORC Section 3704.05.

Currently, PTIO #03-16316 does not contain the testing terms and conditions that specifically define the requirements of burner tuning. These terms were inadvertently omitted from the final issuance and include qualifications, portable monitor requirements, procedure and frequency of the burner tuning. However, the permit does address the requirement to submit the annual burner tuning reports. NWDO will initiate an administrative modification of PTIO #03-16316 in order to address these deficiencies, but the company will still be required to perform burner tuning procedures until this modification can be processed. A copy of the burner tuning procedure language and reporting form is enclosed with this letter.

12. In the company's Permit Evaluation Report (PER), received on November 18, 2009, BA&P indicated deviations from the monitoring and recordkeeping requirements for emissions units F001, F002, P001 and P901. However, no further explanation is provided in the report indicating the reason for any deviations. In the same report, the company indicated a deviation of an operational restriction/emissions limitation for F001. For this instance, the company provided an explanation that excessive visible emissions were observed on two days during the reporting period.

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Based upon the lack of records from the inspection, NWDO requests a detailed explanation on how the company determined the content and veracity of the PER. Likewise, it is unclear how the company could even do the compliance reviews in the lack of any records.

NWDO requests that BA&P submit a written response, along with any supporting documentation to the violations cited above by September 24, 2010. The written response must include specific dates when violations were corrected and include a plan for compliance testing.

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.

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](mailto:brian.riedmaier@epa.state.oh.us) or by phone at (419) 373-3110.

Sincerely,



Brian Riedmaier  
Division of Air Pollution Control

/lb

Enclosure

pc: Tom Kalman, DAPC-CO  
Lisa Holscher, US EPA Region V  
DAPC-NWDO Asphalt Facility File  
7006 0100 0004 1318 4672

ec: Mark Budge, DAPC-NWDO  
Tom Sattler, DAPC-NWDO

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PS Form 3800, June 2002 See Reverse for Instructions

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