



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: Wood County
Gerken Materials, Inc
Premise #0387000232
**Inspection Letter
Notice of Violation**

November 18, 2009

CERTIFIED MAIL

Mr. Jim Scheub
Gerken Materials, Inc. – Plant #9
9-051 US Route 24
Napoleon, Ohio 43522

Dear Mr. Scheub:

This letter shall serve as a follow-up to the inspection conducted on October 29, 2009, 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 the discussions with the plant operator, my observations during the inspection and a review of the company's files, my findings are as follows:

1. The company is currently operating a batch mix asphalt facility in West Millgrove, Ohio. The emissions from the rotary dryer are controlled by a baghouse, along with emissions from the batch mixing. Method 9 visible emissions observations were recorded from the baghouse stack during the inspection and the readings far exceeded the Permit to Operate (PTO) allowable under Ohio Administrative Code (OAC) 3745-17-07(A). This is a violation of the rule and Ohio Revised Code (ORC) 3704.05.
2. The company is operating unpaved roadways and storage piles. These are emissions sources that were installed prior to January 1, 1974 and therefore, the company is not required to obtain a Permit to Install (PTI). However, the company is required to obtain a Permit to Install and Operate (PTIO) if the sources do not qualify for the permit exemption under OAC rule 3745-15-05.

At the very least, the company is required to submit emission calculations, in lieu a PTIO application, if the sources qualify for "de minimis" status as presented in this rule. Operating air contaminant sources without first obtaining a PTIO is a violation of OAC rule 3745-31-02 and ORC 3704.05.

Mr. Jim Scheub
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3. Due to the severity of the visible emission observations above, the company is required to conduct compliance testing on the rotary dryer at the beginning of the 2010 asphalt season in accordance with the provisions of OAC rule 3745-15-04(A). The test shall be scheduled as soon as production is available and in accordance with US EPA-approved test methods:

The company is required to correct the above violations as expeditiously as possible. The company is also required to submit a compliance plan and an associated timeframe for conducting the compliance test. The Northwest District Office (NWDO) is requesting that the company submit this information by December 18, 2009.

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.

At this time, I would like to thank Joel Ward for the courtesy that was extended during the inspection. 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
Division of Air Pollution Control

/lb

pc: Tom Kalman, DAPC/CO
Lisa Holscher, US EPA Region V

~~DAPC/NWDO FILE~~
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ec: Don Waltermeyer, DAPC/NWDO

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