



Environmental  
Protection Agency

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

Re: Wood County  
M&R Redi-Mix  
Stony Ridge, OH 43463  
Dust complaint  
Non-HPV  
Notice of Violation

July 29, 2011

CERTIFIED MAIL

Mr. Kurt Nofziger, President  
M&R Redi-Mix  
5601 Cherry Street  
Stony Ridge, Ohio 43463

Dear Mr. Nofziger:

This letter shall serve as a follow-up to the dust complaint that was received by the Northwest District Office (NWDO) Division of Air Pollution Control (DAPC) on July 20. This complaint was investigated by a partial compliance evaluation conducted on July 27, 2011. As you are aware, I did not meet with anyone at the plant during the evaluation. The purpose was to determine the compliance status of the facility by conducting visible emission observations (VEO) of the unpaved roadway. → 26

The VEO were taken in accordance with US EPA Method 22. Based on the Permit to Install and Operate (PTIO) P0087904, issued final on February 5, 2010, the facility is restricted to no visible particulate emissions of more than three minutes during any sixty minute observation period from the unpaved roadways. The observation period began at 12:50 PM and concluded at 1:18 PM. The observation point was of the unpaved roadway in front of the office building. There was an accumulated emission time of three minutes and fifteen seconds. M&R Redi-Mix is therefore in violation of maintaining compliance with the Best Available Technology (BAT) emission limitation of no visible emissions exceeding three minutes during any sixty minute observation period. This is also a violation of Ohio Revised Code (ORC) 3704.05.

It does need to be pointed out that the facility grounds were in better shape than the initial visit. However, even with water being applied during the observation period, a violation did occur. I did receive your voicemail message the same day regarding what step(s) the facility is currently pondering to solve this issue. We spoke the next day regarding the different approaches that the facility may take to alleviate the dust situation. In that regard, the facility is required to submit a compliance plan that details the timeline and approach that will be taken. This plan is to be submitted no later than August 16, 2011.

Mr. Kurt Nofziger, President  
July 29, 2011  
Page 2

Please be advised that 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 or comments regarding this letter, please feel to contact me at mohammad.smidi@epa.state.oh.us or by phone at (419) 373-3118.

Sincerely,



Mohammad Smidi  
Environmental Specialist  
DAPC-NWDO

/llr

pc: DAPC-NWDO Facility File  
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