



Environmental
Protection Agency

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

August 16, 2011

Mr. Gene Kirby, President
Kirbys Sand & Gravel
4876 County Highway 43
Upper Sandusky, Ohio 43351

Re: Resolution to Notice of Violation (NOV) issued to Kirbys Sand & Gravel
(0388010069) on July 19, 2010.

Dear Mr. Kirby:

This letter shall serve to resolve the Notice of Violation (NOV) issued to the above referenced facility on July 19, 2010. Ohio EPA inspected the facility on June 15, 2010, after reviewing permit to operate (PTO) applications that stated the unpaved roadways and storage piles were installed in the 1973. During the inspection it was determined that the facility had expanded in the mid-1980's and therefore modified the units prior to obtaining a Permit-To-Install (PTI). At the time of my visit, it was also established that appropriate monitoring and recordkeeping were not being performed for the aggregate processing plant (F001), New Source Performance Testing (NSPS) for Subpart OOO had not been performed, and that several other emissions units were operating at the facility without having submitted PTI applications. In order to correct the violations, Ohio EPA requested Kirbys Sand & Gravel (Kirby) to submit Permit-to-Install and operate (PTIO) applications, implement monitoring, recordkeeping and reporting in accordance with PTI 03-16172 and perform 40 CFR Part 60 Subpart OOO visible emissions testing in accordance with US EPA Method 9 for F001.

Kirby has satisfied the requests put forth in the NOV with the following:

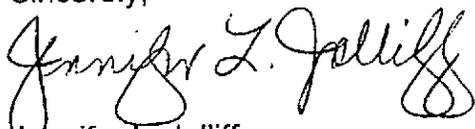
- Started maintaining daily visible emissions logs and monthly throughput records for F001;
- Conducted NSPS Subpart OOO visible emissions testing on August 11, 2010, for F001 to determine compliance;
- Submitted a PTIO modification application P0107203 on November 18, 2010, to address an unpermitted engine providing power to operate F001. This PTIO was issued on January 13, 2011; and
- Submitted initial installation PTIO application P0107111 on October 29, 2010, for numerous aggregate processing and engine emissions units that were not previously permitted. This PTIO was issued final on April 7, 2011.

Mr. Gene Kirby, President
August 16, 2011
Page 2

With the issuance of the PTIOs and the performance of visible emissions testing for F001, the violations cited in the July 10, 2009, letter have been resolved. Please note, however, that this does not preclude the Director from seeking civil penalties pursuant to ORC section 3704.06 for these violations. The decision on whether to pursue or decline to pursue such penalties regarding this matter is dependent on several factors, one of which is the company's future compliance with applicable Ohio EPA requirements.

Should you have any questions or comments concerning this letter, please feel free to contact me at the above referenced address, by email at jennifer.jolliff@epa.state.oh.us or call (419) 373-4112.

Sincerely,



Jennifer L. Jolliff
Division of Air Pollution Control

/lr

pc: Debbie Ko, NWDO, DAPC
Tom Kalman, CO, DAPC
William MacDowell, US EPA
DAPC-NWDO File 

ec: Jennifer Jolliff, NWDO, DAPC



Environmental
Protection Agency

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

February 16, 2011

Mr. Mark Kimmel
The Kimmel Corporation
233 North Sandusky Street
Upper Sandusky, Ohio 43351

Re: Resolution to Notice of Violation (NOV) issued to The Kimmel Corporation (0388010056)
on June 28, 2010.

Dear Mr. Kimmel:

This letter shall serve to resolve the Notice of Violation (NOV) issued to the above referenced facility on June 28, 2010. Ohio EPA inspected the facility after reviewing permit to operate (PTO) applications that stated three petroleum dry cleaning machines were installed in the 1980's. During the inspection it was determined that two of the units were installed in 1955 while the third unit was installed in 1990 without first obtaining a Permit To Install (PTI). In order to correct the violation, Ohio EPA requested The Kimmel Corporation (Kimmel) to submit a Permit-To-Install and Operate (PTIO) application.

Kimmel submitted the requested PTIO application on July 7, 2010, and PTIO P0106632 was issued on July 29, 2010, for emissions unit D003. With the issuance of the PTIO, the violation for installing a petroleum dry cleaning machine prior to obtaining a permit has been resolved. Please note, however, that this does not preclude the Director from seeking civil penalties pursuant to ORC section 3704.06 for these violations. The decision on whether to pursue or decline to pursue such penalties regarding this matter is dependent on several factors, one of which is the company's future compliance with applicable Ohio EPA requirements.

Should you have any questions or comments concerning this letter, please feel free to contact me at the above referenced address, by email at jennifer.jolliff@epa.state.oh.us or call (419) 373-4112.

Sincerely,

Jennifer L. Jolliff
Division of Air Pollution Control

//lr

pc: Paul Chad, DAPC-NWDO
Tom Kalman, DAPC-CO
William MacDowell, US EPA
DAPC-NWDO File

ec: Jennifer Jolliff, DAPC-NWDO