

May 22, 2008

CERTIFIED MAIL

Mr. Mark Makovic
Superintendent
Willson Builders
5966 Heritage Court
Toledo, Ohio 43612

sent
5/23

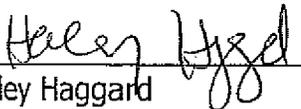
Re: Notice of Violation (Violation Code M4D)

Dear Mr. Makovic:

Enclosed is a **Notice of Violation** for Willson Builders for non-compliance with the Ohio Administrative Code 3745-17 regarding fugitive dust emissions from roadways at the University of Toledo (Ohio EPA Source No. 0448010217) property located at 2801 Bancroft. Please review this document carefully as some action, including a written response, is required on your part.

If you have any questions regarding this matter, feel free to contact me at (419) 936-3015.

From Toledo - an International Award Winning City!


Haley Haggard
Environmental Specialist

HH
Enclosure

cc: Timothy D. Murphy, Commissioner, Toledo Environmental Services (TES)
Karen Granata, Chief, Air Resources, TES
Mary Lehman-Schmidt, Engineering Associate, TES
Lisa Holscher, U.S. EPA, Region V
John Paulian, Ohio EPA

NOTICE OF VIOLATION

May 22, 2008

The City of Toledo Division of Environmental Services hereby serves notice that:

Willson Builders
5966 Heritage Court
Toledo, Ohio 43612

Performing construction activities at:

The University of Toledo
2801 W. Bancroft Street
Toledo, Ohio 43606

has violated the following environmental laws, orders, rules, or regulations on the indicated dates at the above address.

Dates of Violation (s)

On-going violations between May 19, 2008 and May 21, 2008

Regulation (s) Violated

OAC Rule 3745-17-07 (B)(4)
There shall be no visible particulate emissions from any paved roadway or parking area except for a period of time not to exceed six minutes during any sixty-minute observation period.

TMC 941.03(a)(2)-No person shall discharge, cause, or permit, or contribute to the discharge of any of the following to the municipal storm sewer system or receiving waters except where approved by the Director and the Ohio EPA: Any solid or viscous materials that could cause obstruction to the flow or operation of the municipal storm sewer system.

Description of Source(s) and Violation(s)

On May 20, 2008 visible emissions were observed for a period of 31 minutes during a 46-minute observation period at the intersection of Bancroft Street and University Hills Blvd. From material deposited by trucking related to construction activities performed by Wilson Builders at the University of Toledo.

On May 19-21, 2008, a City of Toledo Employee was made aware of a situation involving non-compliance with the Toledo Municipal Code (TMC) Chapter 941 regarding Storm Water Discharge Control as a result of inadequate Best Management Practices (BMPs).

Violation (s)²con.

TMC 941.03(a)(3)
Any pollutant that injures or constitutes a hazard to human, animal, plant or fish life, or creates a public nuisance.

On May 19-21, 2008, a City of Toledo Employee was made aware of a situation involving non-compliance with the Toledo Municipal Code (TMC) Chapter 941 regarding Storm Water Discharge Control as a result of inadequate Best Management Practices (BMPs).

The above violation (s) may subject the violator to penalties of up to \$25,000 per violation. It is possible that a penalty may be assessed in this case. If a penalty is to be assessed, the amount will be determined after your response is reviewed.

Required Actions

Within 14 days of receipt of this Notice of Violation, you shall:

1. Abate the violations or provide for an acceptable remedy.
2. Reply in writing to this Notice of Violation. The reply shall include:
 - a. Description(s) and date(s) of action(s) taken thus far to abate the violation(s).
 - b. Description(s) and expeditious time schedule of action(s) yet to be taken to remedy the violation(s).
 - c. Description(s) of action(s) taken or to be taken to prevent recurrence of the violation(s).

Recommended Actions

Establish a program of sweeping and dust control in compliance with OAC rules 3745-17-08(B)(8) & (9): maintain roadways in a clean condition and the prompt removal in such a manner to minimize re-suspension of earth or other material from paved streets onto which earth or other material has been deposited by trucking or earth moving equipment or erosion by water or other means.

Your written response, and any questions regarding this Notice of Violation, should be directed to **Haley Haggard, City of Toledo Division of Environmental Services, 348 S. Erie Street, Toledo, Ohio 43604.**

The submission of the above requested information does not constitute a waiver of Ohio EPA's authority to seek civil penalties pursuant to Ohio Revised Code § 3704.06. Ohio EPA will make a decision on whether to pursue or decline to pursue such penalties regarding this matter at a later date.