



**Environmental
Protection Agency**

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

Re: Henry County
0335980006
Stack Test
HPV-GC8
Notice of Violation

August 8, 2012

CERTIFIED MAIL

Mr. Jim Scheub
Gerken Materials, Inc.
13762 County Road 179
Oakwood, Ohio 45873

Dear Mr. Scheub:

The stack test conducted on August 9, 2011, on Ohio EPA emissions unit No. P901 (Drum Mix Asphalt Plant), has been reviewed. The testing was conducted in conformance with Ohio EPA methods and procedures. Our review confirms the following reported data is accurate:

**Critical Test Data
(In Three Run Averages)**

| Pollutant | Actual Emission Rate | Allowable Emission Rate | Source Operating Rate | Maximum Source Operating Rate^a |
|------------------|-----------------------------|--------------------------------|------------------------------|--|
| PM | 0.02 gr/dscf 4.91 lbs/hr | 0.04 gr/dscf 12 lbs/hr | 200 TPH | 250 TPH |
| NO _x | 8.26 lbs/hr | 43 lbs/hr | 200 TPH | 250 TPH |
| SO ₂ | 0.28 lb/hr | 60 lbs/hr | 200 TPH | 250 TPH |
| CO | 43.2 lbs/hr | 85 lbs/hr | 200 TPH | 250 TPH |
| VOC | 25.5 lbs/hr as propane | 12 lbs/hr | 200 TPH | 250 TPH |

^a Maximum Source Operating Rate (MSOR) is defined as the condition that is most likely to challenge the emission control measures with regards to meeting the applicable emission standard(s). Although it generally consists of operating the emissions unit at its maximum material input/production rates and results in the highest emission rate of the tested pollutant, there may be circumstances where a lower emissions loading is deemed the most challenging control scenario. Failure to test at the MSOR is justification for not accepting the test results as a demonstration of compliance.

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(Allowables and maximum operating rate are from permit to install (PTI) 04-970 issued October 1995) An average baghouse pressure drop of five (5) inches of water was recorded during the test.

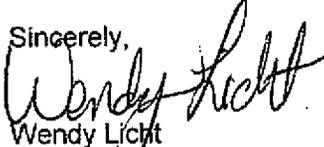
The plant was being operated in violation of its allowable emissions rate for VOC (violation of PTI 04-970, OAC rule 3745-31-05 and Ohio Revised Code 3704.05). It will therefore be necessary to retest this unit.

This office is requesting that the facility submit a written response to this letter which includes, at a minimum, a compliance plan and schedule. The facility is required to submit this information by no later than **August 23, 2012**. Please note that the submission of the requested information to respond to this letter does not constitute a waiver of the 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.

The plant operating rate of 200 TPH is acceptable for the purpose of demonstrating compliance. However, if in the future, Gerken operates the asphalt plant at a level that is greater than 10 percent above this rate the Division of Air Pollution Control, Northwest District Office may require additional stack testing. Also, if in the future Gerken decides to run a design mix that would produce a higher level of emissions, it may be necessary to retest.

The company submitted permit modification P1018266 to this office on June 9, 2011. Pending permit changes under this modification are: 1) the permit will be issued under the Gerken Materials, Inc. name, 2) emissions unit P901 will be de-rated from 250 TPH to 225 TPH and 3) the use of shingles and slag will be added. In processing the permit modification this office will determine if this testing event will satisfy the initial testing requirements established in the permit, excluding VOC.

You may contact me at (419) 373-3134, should you have any questions or comments regarding this letter.

Sincerely,

Wendy Licht
Division of Air Pollution Control

/llr

pc: Robert Teer, DAPC-NWDO
DAPC-NWDO File - asphalt
DAPC, NWDO Stack File
Follow-up File
Certified Mail Receipt Number 7009 1410 0001 1834 6267

ec: Jay Liebrecht, DAPC-NWDO
Mark Budge, DAPC-NWDO
Robert Teer, DAPC-NWDO
Tom Sattler, DAPC-NWDO
Wendy Licht, DAPC-NWDO
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