



AKRON REGIONAL
AIR QUALITY MANAGEMENT DISTRICT

Agent of the Ohio Environmental Protection Agency • Division of the Akron Health Department
Serving Medina, Portage and Summit Counties

TELEPHONE: (330) 375-2480
FAX: (330) 375-2402

L. M. Malcolm, P.E.
Administrator

May 30, 2007

CERTIFIED MAIL

Mr. Chris Morton, Manager
MACK'S INC
6760 School Street
P.O. Box 460
Valley City, Ohio 44280-0460

NOTICE OF VIOLATION

Dear Mr. Morton:

On May 15, 2007, during a fugitive dust complaint investigation of Valley City Builders Supply, 6745 School Street, Valley City, OH, I noticed significant emissions of fugitive dust emanating from your facility located next door at 6760 School Street. MACK'S INC is a lumber yard and sells lumber-gypsum products to contractors and the public. Visible emissions observations were made of the facility's unpaved roadways/parking areas using US EPA Method 22. At the time of the observations, weather conditions were very windy and dry. Traffic entered and left the facility, and a front-end loader was in operation in the yard. The general windy conditions and yard equipment operations each contributed fugitive dust emissions from the unpaved surfaces laden with easily suspendable fine, silty material. This facility does not have air permits. Valley City Builders Supply was also served a Notice of Violation for its own fugitive dust emission violations. Violations of applicable Ohio Administrative Code (OAC) regulations for MACK'S INC are noted below.

OAC rule 3745-17-07(B)(5) states, in part, "there shall be no visible particulate emissions from any unpaved roadway or parking area except for a period of time not to exceed thirteen minutes during any sixty-minute observation period". The results from my observations indicate a total cumulative visible emissions time period of 25.3 minutes during an observation time period of 28.3 minutes. This is a violation of OAC rule 3745-17-07(B)(5).

OAC rule 3745-17-08(B) states, in part, "no person shall cause or permit any fugitive dust source to be operated . . . without taking or installing reasonably available control measures to prevent fugitive dust from becoming airborne." Applicable reasonably available control measures (RACM) include, but are not limited to, the periodic application of water or other suitable dust suppression chemicals on roadways/parking areas; paving roadways and maintaining roadways in a clean condition; the prompt removal of earth and other materials blown or deposited onto paved surfaces; and the periodic application of water or other suitable dust suppression chemicals, the installation of storage silos, bins or other enclosed structures, or the use of canvas or other suitable coverings on any present material storage piles. My investigation indicates RACM has not and is not being implemented. This is a violation of OAC rule 3745-17-08(B).

CITICENTER - SUITE 904

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Mr. Chris Morton
May 30, 2007
Page 2

OAC rule 3745-15-07(A) states, in part, “. . . the emission or escape into the open air from any source or sources whatsoever, of smoke, ashes, dust, dirt, grime, acids, fumes, gases, vapors, odors, or any other substances or combinations of substances, in such manner or in such amounts as to endanger the health, safety or welfare of the public, or cause unreasonable injury or damage to property, is hereby found and declared to be a public nuisance. It shall be unlawful for any person to cause, permit or maintain any such public nuisance.” It appeared during my visit there were periods of time when clouds of choking dust, generated from your facility’s roadways/parking areas, were blown beyond the fence line to neighboring properties. This is a violation of OAC rule 3745-15-07(A).

OAC rule 3745-35-02(A) states, in part, “No person may cause, permit, or allow the operation or other use of any air contaminant source without applying for and obtaining a permit-to-operate from the director in accordance with the requirements of this rule” Based on Agency records, your facility has no air permits and has never applied for air permits. This is a violation of OAC rule 3745-35-02(A).

OAC rule 3745-31-02(A)(1) states, briefly and in part, “Except as provided in rule 3745-31-03 of the Administrative Code, no person shall cause, permit, or allow the installation/operation or modification/operation of a new source, as defined under rule 3745-31-01, without first obtaining a permit-to-install or PTIO from the director” Based on Agency records, your facility has no air permits and has never applied for air permits. This is a violation of OAC rule 3745-31-02(A)(1).

The existing situation at your facility is unacceptable. All of the violations cited above must be corrected in a timely manner. Accordingly, in order to resolve these violations, please submit a written compliance plan and schedule to this Agency no later than fourteen (14) days from receipt of this letter. The plan should include specific control measures, including implementation dates, to be taken by MACK’S INC that satisfy RACM requirements to eliminate or sufficiently minimize visible emissions of fugitive dust from the facility’s roadways/parking areas.

Please provide with the compliance plan permit-to-install (Form #3150a) and permit-to-operate (Form #3161) applications for the roadways/parking areas. Also provide with the permit applications emissions activity category (EAC) Form #3111 “Roadways and Parking Areas”. All of these forms can be found at: <http://www.epa.state.oh.us/dapc/fops/eac/eacforms.html>

If there are any other air contaminant sources at your facility, besides the roadways/parking areas, please identify these other sources and provide permit applications and appropriate EAC forms for them as well.

This notice of violation and request for a compliance plan in no way waives the right of Ohio EPA or US EPA to pursue additional enforcement action in this matter, including the assessment of civil penalties. Ohio Revised Code allows for civil penalties of up to \$25,000 for each day of each

Mr. Chris Morton
May 30, 2007
Page 3

violation. The decision to pursue, or decline to pursue, additional enforcement in this matter will be made at a later date.

If you have any questions or need additional information, please call.

Sincerely,

A handwritten signature in cursive script that reads "Russell Risley".

Russell Risley
Air Quality Engineer

LMM/FJM, ARAQMD
Tom Kalman, Ohio EPA