



State of Ohio Environmental Protection Agency

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Central District Office

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CERTIFIED MAIL # 91 7108 2133 3932 4449 8850

May 19, 2009

Mr. James Nichols
President and Owner
Mid-Ohio Paving, Inc.
6095 Columbus Road
Centerville, OH 43011

Re: Second Notice of Violation for failure to submit a permit application
Mid-Ohio Paving, Inc. (Ohio Facility I.D. 01 42 00 0407)

Dear Mr. Nichols:

On March 19, 2009, Ohio EPA, Central District Office (CDO), Division of Air Pollution Control mailed a Notice of Violation (NOV) to your facility that explained that the installation of a hot mix asphalt plant without first obtaining a final permit-to-install (PTI) or permit-to-install and operate (PTIO) is a violation of both Ohio EPA air pollution regulations and Ohio law. This NOV requested that Mid-Ohio Paving submit a complete PTI or PTIO within thirty days of receipt. A copy of this NOV is enclosed with this mailing.

CDO has not received any substantial response from Mid-Ohio Paving, nor has a PTI or PTIO application been received for the hot mix asphalt plant. Please submit a complete PTI or PTIO application within fourteen (14) days of receipt of this letter. This application should be submitted using Ohio EPA's eBusiness Center, Air Services website.

Please note that the Ohio EPA has the authority to seek civil penalties as provided in section 3704.06 of the Ohio Revised Code (ORC). This letter or information pursuant to this letter does not constitute a waiver of Ohio EPA's authority to seek civil penalties as provided in the ORC. The decision on whether or not to seek such penalties will be made by the Ohio EPA at a later date.

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

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The exemption under OAC 3745-31-03(A)(4)(d)(i)(b) does not apply to the hot-mix asphalt plant installed at Mid-Ohio Paving. Pursuant to OAC rule 3745-31-03(A)(4)(d)(i) and 40 Code of Federal Regulations (CFR) Part 60, Subpart 000 a hot-mix asphalt plant does not meet the definition of a "non-metallic mineral processing plant" under 40 CFR Part 60.671.

Violations:

The installation of an air contaminant source without first applying for and obtaining a PTI or PTIO is a violation of Ohio Administrative Code (OAC) 3745-31-02(A) which states:

"...no person shall cause, permit, or allow the installation of a new source of air pollutants...without first obtaining a PTI ... or...PTIO from the director."

Violation of OAC rule 3745-31-02(A) is also considered a violation of Ohio Revised Code (ORC) 3704.05(G), which states:

"No person shall violate any order, rule, or determination of the director issued, adopted, or made under this chapter."

Requested action:

CDO requests that Mid-Ohio Paving submit a complete PTI or PTIO application within thirty (30) days of receipt of this letter. This application should be submitted using Ohio EPA's eBusiness Center, Air Services website.

Additional information:

Facilities that are applying for major source permits to install (PTIs) or permits that contain federally-enforceable limitations to avoid major source permitting (FEPTIO) are required to submit permit applications online. Ohio EPA recently implemented an on-line permitting and reporting system called Air Services, which is accessed through the eBusiness Center. The eBusiness Center may be reached from the Ohio EPA home page at www.epa.state.oh.us or directly at ebiz.epa.ohio.gov.

If at some time in the future this facility plans to install additional air contaminant sources or modify an existing air contaminant source, please contact Ohio EPA, Central District Office to obtain the appropriate forms and discuss the applicability of any rules in question. Ohio EPA endeavors to process all applications in an expeditious manner.

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If you have any questions, please contact John McGreevy of my staff at (614) 728-3818 or john.mcgreevy@epa.state.oh.us.

Sincerely,



Kelly Toth
Supervisor, Permits and Compliance
Division of Air Pollution Control
Central District Office

c: Adam Ward, Manager, DAPC/CDO
John McGreevy, DAPC/CDO
John Paulian, DAPC/CO
Steve Rath, Manager, DSIWM/CDO
Linnea Saukko, Manager, DGW/CDO
Mike Gallaway, Manager, DSW/CDO