



State of Ohio Environmental Protection Agency

STREET ADDRESS:

Central District Office

MAILING ADDRESS:

Lazarus Government Center  
50 W. Town St., Suite 700  
Columbus, Ohio 43215

TELE: (614) 728-3778 FAX: (614) 728-3898  
www.epa.state.oh.us

P.O. Box 1049  
Columbus, OH 43216-1049

**CERTIFIED MAIL # 91 7108 2133 3932 4449 9611**

March 19, 2009

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

**Re: Notice of Violation** based upon the recent site visit to Mid-Ohio Paving, Inc. and "Notice of PTI/PTO Exemption" received on March 16, 2009

Dear Mr. Nichols:

On March 12, 2009, CDO personnel observed that a hot mix asphalt batch plant had been installed at the Mid-Ohio Paving facility located at 6095 Columbus Road in Centerville, Ohio. Based on conversations with facility personnel, the asphalt plant had been installed recently but would not be operated until approximately mid-April of this year. When questioned, facility personnel indicated that a permit application had been mailed to Ohio EPA on or about March 11, 2009.

On March 16, 2009, CDO received a "Notice of PTI/PTO Exemption" from Mid-Ohio Paving stating that a 125 ton per hour hot-mix asphalt plant will be installed and operated at Mid-Ohio Paving, and that this asphalt plant was exempt from air permitting.

Listed below are "Findings" based upon CDO observations, conversations with facility personnel, and the information provided in the "Notice" received on March 16, 2009. The findings are followed by "Violation(s)" (if applicable) and "Requested Action(s)" necessary to address stated findings and violations.

1. Finding: Unpermitted installation of a major source of air contaminants

CDO personnel observed that installation of the hot-mix asphalt plant appeared to be complete, and the plant appeared ready to begin operation during the site visit on March 12, 2009. Based upon commonly-utilized emissions factors (AP-42, Chapter 11, Table 11.1-5, March 2004), the potential to emit for this air contaminant source exceeds the major source threshold of 100 tons per year of carbon monoxide.

Ted Strickland, Governor  
Lee Fisher, Lieutenant Governor  
Chris Korfeski, 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 OOO 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](http://www.epa.state.oh.us) or directly at [ebiz.epa.ohio.gov](http://ebiz.epa.ohio.gov).

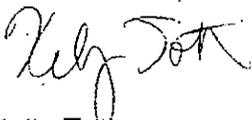
If at some time in the future this facility plans to install additional air contaminant sources or modify an existing air contaminant source, please contact Ohio EPA, Central District Office to obtain the appropriate forms and discuss the applicability of any rules in question. Ohio EPA endeavors to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

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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.

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