



State of Ohio Environmental Protection Agency

**Southeast District Office**

2195 Front Street  
Logan, Ohio 43138

TELE: (740) 385-8501 FAX: (740) 385-6490  
www.epa.state.oh.us

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

November 3, 2010

Re: Tuscarawas County  
Oster Enterprises (Canton Asphalt Co.)  
Facility ID #0679000270  
Warning Letter (non-HPV)

**Certified #70101060000178960408**

Scott Oster  
Oster Enterprises  
5947 Whipple Ave. SW  
Canton, Ohio 44720

Dear Mr. Oster:

The purpose of this letter is to document and request correction of violations of State and federal air pollution control regulations and the air permits issued for the air contaminant sources operated by Oster Enterprises (Canton Asphalt Co.). The subject facility is located at 3467 Dover Zoar Rd. in Bolivar, Ohio, where Oster Enterprises operates the following permitted air contaminant sources: a drum mix asphalt plant (emissions unit (EU) P902), roadways and parking areas (EU F001) and storage piles (EU F002). An additional emissions unit, the sand and gravel operation (EU F003), operates at this facility on registration status. The violations identified below were discovered upon a recent review of the information in the company's files related to the air permits.

- (1) **Reporting Requirements**  
**Parts I.3 and II.D. of PTI #06-07733 modified effective December 19, 2006 for all EUs**  
**Parts I.3 and II.D of the PTOs issued March 22, 2007 (EU P902) and April 5, 2006 (EUs F001 and F002)**

For all three EUs, quarterly written reports of (a) any deviations from emission limitations, operational restrictions, and control device operating parameter limitations detected by the testing, monitoring, and recordkeeping requirements specified in the permit, (b) the probable cause of such deviations, and (c) any corrective actions or preventive measures which have been or will be taken, shall be submitted to the appropriate Ohio EPA district office. If no deviations occurred during the calendar quarter, the permittee shall submit a quarterly report which states that no deviations occurred during that quarter. The reports must be submitted by January 31, April 30, July 31, and October 31 of each year and shall cover the previous calendar quarter. For EU P902, semi-annual reports must be submitted by January 31 and July 31 of each year that identify any deviations from the limitations on visible stack and fugitive particulate emissions. The semi-annual reports must cover the preceding six calendar months.

The last compliance report submitted by Oster Enterprises was received on April 30, 2010, and covered the first quarter of 2010. Prior to that, two reports due in 2006 were received late, and the reports due for the first three quarters of 2007 were substantially late (all received on November 5, 2007). After the submittal received on November 5, 2007, no additional compliance reports were submitted by Oster Enterprises for this facility for all of 2008 and 2009. The company has also failed to submit the reports due for the 2<sup>nd</sup> and 3<sup>rd</sup> quarters of 2010.

To resolve this violation, Oster Enterprises must submit all missing deviation reports, beginning with the quarterly and semi-annual reports that were due on January 31, 2008. If the company has failed to fulfill the monitoring and recordkeeping requirements of its permits and does not have sufficient data to complete the missing reports, a statement must be submitted attesting to the company's inability to complete the required reports. Further, Oster Enterprises must provide a commitment, in writing, that it will comply with the reporting requirements of its air permits in the future.

(2) ***New Source Performance Standards (NSPS) Compliance Demonstration  
40 CFR Part 60, Subparts A and I (40 CFR §60.8 and 60.93(b)(2))***

The NSPS for hot mix asphalt facilities requires demonstration of compliance with both the particulate mass emission limitation of 0.04 grain per dry standard cubic foot and the visible particulate emission limitation of less than 20% opacity from the affected facilities. Although compliance with the mass emission limitation was demonstrated during the performance test conducted on September 15, 2005 via EPA Methods 1-5, Ohio EPA does not have a record that Oster Enterprises ever completed the Method 9 testing to demonstrate compliance with the opacity limitation.

To resolve this violation, Oster Enterprises must conduct the Method 9 performance test required by the NSPS at the Bolivar facility prior to the end of the calendar year, provided the plant has not ceased operation for 2010. Otherwise, the testing must be done as early in the 2011 construction season as production allows. The company's plans for this testing must be conveyed to Ohio EPA in writing in response to this letter.

***Within thirty (30) days of your receipt of this letter***, Oster Enterprises (Canton Asphalt) must provide Ohio EPA with a compliance plan and schedule that outlines the steps that the company will take to comply with all applicable Ohio air pollution control laws and rules. Acceptance by Ohio EPA of a schedule for compliance does not constitute a waiver of Ohio EPA's authority to seek civil penalties as provided in section 3704.06 of the Ohio Revised Code. The determination to pursue or decline to pursue such penalties in this case will be made by Ohio EPA at a later date.

Scott Oster  
Oster Enterprises  
November 3, 2010  
Page 3

Should you have any questions or need assistance responding to this request, please feel free to contact me at (740) 380-5245 or via email at [kim.reinbold@epa.state.oh.us](mailto:kim.reinbold@epa.state.oh.us).

Sincerely,



Kimbra L. Reinbold  
Division of Air Pollution Control  
Southeast District Office

KLR/mlm

cc: Sarah K. Harter, DAPC, SEDO  
Bruce D. Weinberg, DAPC, SEDO