



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

Re: Richland County  
Jacobs Excavating  
Notice of Violation (non-HPV)

June 5, 2013

CERTIFIED MAIL

Mr. Dan Jacobs  
Jacobs Excavating  
P. O. Box 1086  
Mansfield, Ohio 44901

Dear Mr. Jacobs:

This letter shall serve as a follow-up to the complaint investigation that was conducted at Jacobs Excavating on May 30, 2013, by the Division of Air Pollution Control (DAPC). The purpose of the inspection was to investigate a dust complaint received on May 22, 2013, and to determine the compliance status of any potential air contaminant emissions units located at the facility with the rules and regulations of the DAPC.

Based on discussions and observations during the investigation, the following was noted:

1. Jacob's Excavating operates a topsoil and asphalt screening operation that receives material onsite, screens and grades the materials and removes the undesirables (wood, miscellaneous larger items) before sending it out to the customer via dump truck. Equipment found on site includes a front end loader, dozer, screening unit, tractor with disc and dump trucks. While on site I observed large amounts of particulates being generated by vehicular traffic from the equipment used on site and windy conditions.
2. The following air emissions sources were identified on site:
  - Storage Piles
  - Unpaved Roadways
  - Screening Unit
  - Material Handling (Load-in, Load-out)
3. Jacobs Excavating is in violation of OAC rule 3745-31-02 and ORC 3704.05 for installing and operating the topsoil and asphalt screening process without a PTO or a PTIO.

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In order to correct this violation, Jacobs Excavating is required to submit a completed permit-to-install and operate (PTIO) application and emissions activity category (EAC) forms for Unpaved Roadways, Storage Piles, Material Handling and Aggregate Processing. Electronic PTIO and EAC forms are available on Ohio EPA's website at <http://epa.ohio.gov/dapc/fops/eac/eacforms.aspx>.

Please include equipment operating capacity information, emissions calculations, a process flow diagram, and equipment installation and/or replacement dates to aid the processing of the application.

Ohio EPA has an Office of Compliance Assistance and Pollution Prevention (OCAPP) that may be able to assist you in determining compliance with the rules and regulations of DAPC. OCAPP may also provide assistance in compiling the information referenced above. You can find additional information on this office at their website at <http://www.epa.ohio.gov/ocapp> or by calling OCAPP at 1-800-329-7518. The OCAPP representative at this office is Mr. Ron Nabors and can be contacted at (419) 373-3147 or at [ron.nabors@epa.ohio.gov](mailto:ron.nabors@epa.ohio.gov).

Please note that the submission of the requested information to respond to this letter does not constitute waiver of the Ohio EPA's authority to seek civil penalties as provided in Section 3704.06 of the Ohio Revised Code. Ohio EPA will determine later whether to pursue such penalties in this case.

Ohio EPA requests that Jacobs Excavating submit the information listed in item No. 3 by July 5, 2013.

Thank you for the courtesy extended during my visit. Should you have any questions regarding this letter, please feel free to directly contact me at 419-373-3121.

Sincerely,

  
Chad Winebrenner  
Environmental Specialist

/llr

Certified Mail Receipt Number 7009 1410 0001 1834 2085

ec: Jennifer Jolliff, DAPC-NWDO  
Chad Winebrenner, DAPC-NWDO  
Bruce Weinberg, DAPC-CO  
Mark Budge, DAPC, NWDO  
Brian Dickens, US EPA, Region V