



Environmental  
Protection Agency

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

Re: Wood County  
Palmer Brothers Concrete  
Premise # 0387020282  
Notice of Violation  
(NOV/non-HPV)

August 3, 2011

CERTIFIED MAIL

Mr. Randolph G. Schmeltz, Owner  
Palmer Brothers Concrete  
12205 East Gypsy Lane Road  
Bowling Green, Ohio 43402

Dear Mr. Schmeltz:

This letter shall serve as a follow-up to the inspection conducted on July 26, 2011, at the above referenced facility. The purpose of the inspection was to determine the compliance status of all air contaminant sources operating at your facility with the rules and regulations of the Division of Air Pollution Control (DAPC). I met Mr. Bernard Schneider, accountant, and Mr. Reynold Palmer, plant manager, during the inspection. Mr. Palmer led me on a brief tour of the facility.

Based on my discussions with Mr. Schneider and Mr. Palmer, the facility record at the Northwest District Office (NWDO) as well as my observations during the inspection, the findings can be summarized as follows:

1. The company started operation at this location in 1977. The company operates a ready mix concrete batch plant.
2. The operations at this facility are not permitted by DAPC. There is no information kept which would identify the operating emissions units as de minimis as defined in Ohio Administrative Code (OAC) rule 3745-15-05. Based on previous experience and the information supplied by Mr. Palmer, the operations would require permitting under OAC rule 3745-31-02.
3. Electronic records at NWDO indicate that the facility applied for a permit-to-operate (PTO) for the paved and unpaved roadways under Ohio Administrative Code (OAC) rule 3745-35-02 (rescinded June 30, 2008). This permit has not been issued.

However, there are other emission units operating at the site which would require permitting under Ohio Administrative Code (OAC) rule 3745-31-02 where no applications appear to have been submitted.

4. The company is therefore in violation of OAC rule 3745-31-02 (effective date of December 1, 2006) and ORC 3704.05 for installing "new sources" at the facility, identified as roadways, storage piles and a ready mix concrete batch plant, after January 1, 1974, without obtaining a Permit to Install (PTI) prior to installation.
5. The company is also in violation of not having submitted a Permit to Operate (PTO) application pursuant to OAC rule 3745-35-02 (rescinded June 30, 2008) and ORC 3704.05 prior to operation of the storage piles and ready mix cement batch plant.
6. The company is required to submit a Permit to Install and Operate (PTIO) applications pursuant to OAC rule 3745-31-02 (effective June 30, 2008) for the paved and unpaved roadways, storage piles and ready mix cement batch plant.

Permit applications can be downloaded from Ohio EPA's website at <http://www.epa.ohio.gov/dapc/fops/eac/eacforms.aspx>. The applications must contain Emissions Activity Category (EAC) Forms, process flow diagrams and emissions calculations for each emissions unit. If assistance is needed, please contact me for sample applications that have been filled out by similar sources in the past.

You may also contact Ohio EPA's Office of Compliance Assistance and Pollution Prevention (OCAPP) which can provide your business with resources and tools to help you understand and meet compliance responsibilities. The NWDO representative for OCAPP is Mr. Ron Nabors and he can be contacted for additional information at 419-373-3147 or by email at [ron.nabors@epa.state.oh.us](mailto:ron.nabors@epa.state.oh.us). For information regarding OCAPP, you can visit [http://www.epa.ohio.gov/dir/permit\\_assistance.aspx](http://www.epa.ohio.gov/dir/permit_assistance.aspx).

7. As discussed with Mr. Schneider, the company submitted a fee emission report for years 2006, 2007, 2008 and 2009. Although in operation since 1977, Central Office (CO) staff recommended that only the past four years of fee emission reports be submitted in accordance with OAC rule 3745-78-02. In looking at these reports that were received by DAPC on July 28, 2010, the company states that there were zero emissions during 2006 and 2007, i.e., the plant was not operating. However, based on production data, the facility operated during 2006 and 2007. These reports will need to be corrected to signify emissions between 0 and 10 tons per year rather than zero emissions.

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The information requested above is to be submitted to my attention by no later than September 9, 2011. The submission of information to respond to this letter does not constitute a waiver of Ohio EPA's authority to seek civil penalties pursuant to ORC section 3704.06. Ohio EPA will make the decision on whether to pursue or decline to pursue such penalties regarding this matter at a later date.

If you have any questions and/or comments about this letter, please feel free to contact me electronically at [mohammad.smidi@epa.state.oh.us](mailto:mohammad.smidi@epa.state.oh.us) or call me at (419) 373-3118.

Sincerely,



Mohammad Smidi  
Environmental Specialist  
Division of Air Pollution Control

/llr

pc: DAPC-NWDO Facility File  
Certified Mail Receipt Number 7009 1410 0001 1840 3076

ec: Carol Norman, DAPC-NWDO  
Elisa Thomas, DAPC-CO  
Jennifer Jolliff, DAPC-NWDO  
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