

**HAMILTON COUNTY  
ENVIRONMENTAL  
SERVICES**

Date: December 21, 2011

Tony Muto  
Evans Landscaping Inc.  
4229 Round Bottom Road  
Cincinnati Ohio 45244

**RE: Notice of Violation of Ohio Administrative Code (OAC) 3745-31-05(A)(3) and 40 CFR Part 60.676(b)(1), Subpart OOO for Emission Units P005 and P006 permitted to Evans Landscaping Inc.; Ohio EPA Facility ID 1431004371 and 1431004372.**

Dear Mr. Muto:

On November 2<sup>nd</sup> and November 8<sup>th</sup>, 2011, a compliance inspector from this agency conducted partial compliance inspections on Emission Units P005 (Ohio EPA Facility ID 1431004371), and P006 (Ohio EPA Facility ID 1431004372), Evans Landscaping portable crushing units. No violations were observed at that time. On December 9th, 2011 a visit was made to the Evan's main office at 4229 Round Bottom Rd. in Newtown, OH, to complete the inspection via the observation of the record keeping requirements as outlined in the respective emission units operating permits. After requesting the records, the inspector was immediately informed, by yourself, that the records were too burdensome to keep, and that they have not been kept. Additionally, the inspector was informed that the crusher operators were incapable of maintaining those records in the field.

Terms (d)(1) through (d)(5) of Section C, Emissions Unit Terms and Conditions, of the emission units' respective permits, state that an inspection of the crusher is required at least once daily during operation to determine if visible emissions are present and the need for implementing control measures. The terms outline the types of records that must be kept with respect to those daily inspections. Additionally, they require the permittee to maintain a monthly record of the quantity of material throughput processed in each of the respective crushers. The facility is in violation of Ohio Administrative Code (OAC) 3745-31-05(A)(3) and 40 CFR Part 60.676(b)(1), Subpart OOO, which authorize these permit terms and conditions.

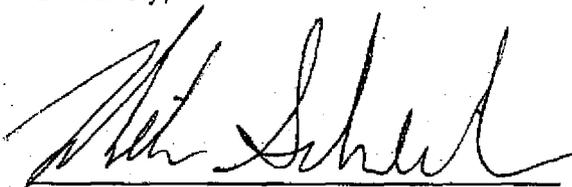
Term 3 in Section A, Standard Terms and Conditions, of the emission units' respective permits, outlines the general requirements for record keeping and describe specifically that records must be available to be presented to an inspector at the time of an inspection. The facility is also in violation of that specific permit term requirement, in that none of the records outlined in Terms (d)(1) through (d)(5) of Section C, were on site during the inspection.

In order to address these violations, HCDOES/Southwest Ohio Air Quality Agency, is requiring Evans Landscaping Inc. to submit a compliance plan detailing actions the facility will take to come into compliance. This compliance plan shall include, but not be limited to, corrective actions that Evans has taken or will take to avoid such violations in future along with the time line of when these actions are to take place.

Please submit the compliance plan to this agency by January 11<sup>th</sup>, 2012. Acceptance of a plan and/or schedule for compliance does not constitute a waiver of authority to seek civil penalties as provided in section 3704.06, of the Ohio Revised Code. Determination to pursue or to decline such penalties in this case will be made by the appropriate agency at a later date. Failure to comply with the requirements of this letter may result in additional enforcement action including possible referral of this case to the Office of Attorney General.

If you need any further information in this regard, please contact me at 513 946 7716.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Schierloh", written over a horizontal line.

Michael Schierloh  
Environmental Compliance Specialist  
Southwest Ohio Air Quality Agency  
Hamilton County Department of Environmental Services