



Environmental  
Protection Agency

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

CERTIFIED MAIL # 91 7105 2181 8921 1831 4284

December 30, 2011

Ryan Smith  
The Apple-Smith Corporation  
3040 McKinley Avenue  
Columbus, OH 43204

Re: NOTICE OF VIOLATION - Compliance Test Report

Facility ID: 0125042120  
The Apple-Smith Corporation

Location: 3040 McKinley Avenue  
Columbus, OH 43204  
Franklin County

Dear Mr. Smith:

On June 23, 2011, Shelly Company performed a Particulate (PM), Carbon Monoxide (CO), Sulfur Dioxide (SO<sub>2</sub>), Nitrogen Oxides (NO<sub>x</sub>), and Volatile Organic Compounds (VOC) emission test to demonstrate permit compliance at the facility indicated above on their 225 tons per hour Hot Mix Asphalt Batch Plant, P901. Ohio EPA received the test report on July 18, 2011. The test report has been reviewed and we have concluded that the test was conducted according to the procedures specified in 40 CFR Part 60, Appendix A, U.S. EPA Test Methods 1, 2, 3, 4, 5/6, 7E, 10, and 25.

**Finding**

The results of the test showed the source to be out of compliance with the applicable VOC emissions limitations in permit to install and operate (PTIO) P0105869 of 0.10 pounds of VOC per ton of asphalt produced.

Our test review shows the following:

- |      |                          |                       |
|------|--------------------------|-----------------------|
| I.   | Tested Emission Rate:    | 0.187 lbs VOC per ton |
| II.  | Allowable Emission Rate: | 0.10 lbs VOC per ton  |
| III. | Source Operating Rate:   | 121 tons per hour     |

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Violation:

Failure to demonstrate compliance with emission limitations is considered to be a violation of the permit terms and conditions of PTIO PC105869. Violation of the terms and conditions of PTIO PC105869 is also considered a violation of ORC 3704.05(C), which states:

*"The person who is the holder of a permit ...shall violate any of its terms or conditions."*

Request Action:

Central District Office (CDO) acknowledges that Apple-Smith has submitted a PTIO application to resolve the emission violation, and that the plant is not operating at this time. Prior to acting on this application, CDO requests that Apple Smith re-tune the burner for emission unit P901 and re-test emissions unit P901 to demonstrate compliance with the permitted VOC emission limitation of 0.10 pounds of VOC per ton of asphalt produced within 120 days upon resuming operation at the facility in 2012.

An Intent-to-Test Notification should be submitted at least 30-days prior to scheduled date of the emission test.

Acceptance by the Ohio EPA of a compliance plan and schedule does not constitute a waiver of the Ohio EPA's authority to seek civil penalties as provided in Section 3704.06 of the Revised Code. The determination to pursue or to decline to pursue such penalties in this case will be made by the Ohio EPA at a later date.

If you have any questions, please contact Luke Mountjoy of my staff at (614)-995-0672 or e-mail [luke.mountjoy@epa.ohio.gov](mailto:luke.mountjoy@epa.ohio.gov).

Sincerely,

  
John McGreevy  
Supervisor, Permits and Compliance  
Division of Air Pollution Control  
Central District Office

c: Adam Ward, Manager, CDO/DAPC, Ohio EPA  
John Paulian, CO/DAPC, Ohio EPA

e: John McGreevy, CDO/DAPC, Ohio EPA