

CITY OF TOLEDO



DEPARTMENT OF PUBLIC UTILITIES

June 7, 2007

CERTIFIED MAIL

Mr. Allen Nissen
Nissen Concrete
5700 Navarre Avenue
Oregon, Ohio 43616

Re: Notice of Violation

Dear Mr. Nissen:

Enclosed, please find a "Notice of Violation" for Nissen Concrete Ohio EPA Emissions Unit Id. 0448010695 F001 thru F004. Please review this document carefully as some action is required on your part.

If you have any questions, please feel free to contact me.

Yours from Toledo - a City of the Future!

A handwritten signature in black ink, appearing to read "Robert Kossow".

Robert Kossow, P.E.

*FDI Magazine-April 2007

Enclosure

cc: Casey Stephens, TDOES
Karen Granata, TDOES
Leslie Kovacic, Toledo Law Department
John Paulian, OEPA
Lisa Holscher, USEPA Region V

NOTICE OF VIOLATION

June 12, 2007

The City of Toledo Division of Environmental Services hereby serves notice that:

Nissen Concrete
5700 Navarre Avenue
Oregon, Ohio 43616

has violated the following environmental laws, orders, rules, or regulations on the indicated dates at the above address.

Dates of Violation(s)

on-going from date of start-up

Regulation(s) violated

Description of Source(s) and Violations(s)

ORC 3704.05(C)

During the site inspection of June 7, 2006 performed by this Division, it was determined that Nissen Concrete failed to comply with the monitoring, recordkeeping and reporting requirements of Sections C. and D. of the operating permits for emissions units F001, F002, F003 and F004 which comprise the concrete mix plant at this facility.

The above violation(s) may subject the violator to penalties of up to \$25,000 per violation. It is possible that a penalty may be assessed in this case. If a penalty is to be assessed, the amount will be determined after your response is reviewed.

Required Actions

Within 2 weeks of receipt of this Notice of Violation, you shall:

1. Abate the violation(s) or provide for an acceptable remedy.
2. Reply in writing to this Notice of Violation. The reply shall include:
 - a. description(s) and date(s) of action(s) taken thus far to abate the violation(s).
 - b. description(s) and expeditious time schedule of action(s) yet to be taken to remedy the violation(s).

- c. description(s) of action(s) taken or to be taken to prevent recurrence of the violation(s).

Recommended Actions

Within 2 weeks of receipt of this Notice of Violation:

1. Submit copies of all appropriate records and reports demonstrating compliance with the monitoring, recordkeeping and reporting requirements of Sections C. and D. of the operating permits for emissions units F001, F002, F003 and F004; OR
2. Submit blank copies of the forms to be used for recordkeeping, with the signatures of the employees responsible, indicating that they have been informed of and understand the monitoring and recordkeeping requirements; and
3. Submit a signed statement from the responsible corporate official attesting to Nissen's intention to comply with future monitoring, recordkeeping and reporting requirements.

Your written response and any questions regarding this Notice of Violation should be directed to Robert Kossow at the Division of Environmental Services, 348 S. Erie Street, Toledo, Ohio 43604, or call 419-936-3941.

The submission of the above requested information does not constitute a waiver of Ohio EPA's authority to seek civil penalties pursuant to Ohio Revised Code § 3704.06. Ohio EPA will make a decision on whether to pursue or decline to pursue such penalties regarding this matter at a later date.