

# CITY OF TOLEDO

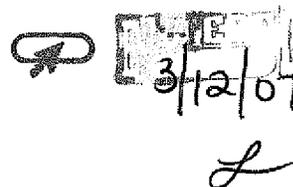


## DEPARTMENT OF PUBLIC UTILITIES

March 5, 2007

### CERTIFIED MAIL

Mr. Michael Fitch  
Willcrest Corporation  
308 Wamba Avenue  
Toledo, Ohio 43607



Re: Notice of Violation

Dear Mr. Fitch:

Enclosed, please find a "Notice of Violation" for Willcrest Corporation (Ohio EPA Source No. 0448011741, emissions unit P901). 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 - an All-America City!

A handwritten signature in cursive script that reads "Mary Lehman-Schmidt".

Mary J. Lehman-Schmidt, Engineer - Air Resources

MJLS/mjls

### Enclosure

cc: T. Casey Stephens, Commissioner  
Karen Granata, P.E., Chief of Air Resources  
Leslie Kovacic, Law Department  
John Paulian, OEPA  
Lisa Holscher, USEPA Region

**NOTICE OF VIOLATION**

March 5, 2007

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

Willcrest Corporation  
located at 3228 Hill Avenue  
Toledo, Ohio 43607

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

Dates of Violation(s)

May 23, 2006 through present

<u>Regulation(s) violated</u>	<u>Description of Source(s) and Violations(s)</u>
40 CFR Part 60.8	Willcrest Corporation failed to perform the required visible emission testing for the aggregate processing plant emissions source within 60 days of maximum production, but not later than 180 days of startup. Startup was reportedly on May 23, 2006 (not running at maximum capacity) and the 180 days were up on November 19, 2006. Testing has not been performed.
OAC rule 3745-31-05(C) - The director may impose such special terms and conditions as are appropriate or necessary to ensure compliance with the applicable laws and to ensure adequate protection of environmental quality.	Willcrest Corporation failed to comply with the required monitoring, recordkeeping and reporting requirements of PTI 04-01437 and failed to submit the required quarterly reports for F001, F002, and P901 from the first quarter of 2006 through the present.

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 4 weeks of receipt of this letter:

1. Implement a monitoring and recordkeeping equivalent to the terms and conditions of II.C of PTI 04-01437.
2. Implement reporting practices in compliance with the terms and conditions of II.D of PTI 04-01237.
3. Obtain free and confidential information from the Ohio EPA Office of Compliance Assistance and Pollution Prevention (OCAPP) at 419 373-3147.

Your written response and any questions regarding this Notice of Violation should be directed to Mary J. Lehman-Schmidt at the Division of Environmental Services, 348 S. Erie Street, Toledo, Ohio 43604, or call (419) 936-3956.

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.