

# CITY OF TOLEDO



## DEPARTMENT OF PUBLIC UTILITIES

12/9/2009

Certified Mail

Beth Mowrey  
Director of Environmental Permitting and Compliance  
P.O. Box 266  
Thornville, OH 43076

Re: NOTICE OF VIOLATION

Dear Beth Mowrey:

Enclosed, please find a "Notice of Violation" for StoneCo Plant #110, Ohio EPA Source No. 0448030014 P931 "650 TPH Drum Mix Asphalt Plant". Please review this document carefully as some action, including a written response, is required on your part.

If you have any questions, please E-mail me at [brad.faggionato@epa.state.oh.us](mailto:brad.faggionato@epa.state.oh.us) or phone me at 419-936-3963.

Sincerely,

Brad Faggionato  
Toledo Department of Environmental Services

Cc: Timothy Murphy, Commissioner, Environmental Services  
Karen Granata, P.E., Chief of Air Resources  
Joyce Anagnos, Senior Attorney, City of Toledo  
John Paulian, Central Office, Ohio EPA  
Lisa Holscher, U.S. EPA Region V

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DEC 25 10

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\* need stack test  
+ results of NOV

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Timothy D. Murphy, Commissioner  
DIVISION OF ENVIRONMENTAL SERVICES  
Quilter Environmental Center  
348 South Erie Street, Toledo, Ohio 43604-8633 USA  
Telephone: 419-936-3015 Fax: 419-936-3959 E-mail: [tim.murphy@toledo.oh.gov](mailto:tim.murphy@toledo.oh.gov)

## Notice of Violation

December 9, 2009

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

StoneCo Plant #110  
1360 Ford Street  
Maumee, OH 43537

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

### Dates of Violation

October 13, 2009

### Regulation(s) Violated

ORC 3704.05(C) – No person who is the holder of a permit issued under division (F) or (G) of section 3704.03 of the Revised Code shall violate any of its terms and conditions.

### Description of Source(s) and Violation(s)

The air permit (PTIO P0104346 effective 4/20/2009) for StoneCo Plant #110 requires the permittee to demonstrate compliance with short term Carbon Monoxide (CO) limit of 28.0 pounds per hour by a stack test. The stack test dated October 13, 2009 indicated an average CO emission rate of 78.51 pounds per hour.

The above violation 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 assessed, the amount will be determined after your response is reviewed.

### Required Actions

Within two weeks of receipt of this letter, you shall:

1. Abate the violation 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 of action(s) taken or to be taken to prevent recurrence of the violation(s).

Please submit to this office a plan and schedule for achieving compliance. Submit this plan to the attention of Brad Faggionato.

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.