

CITY OF TOLEDO

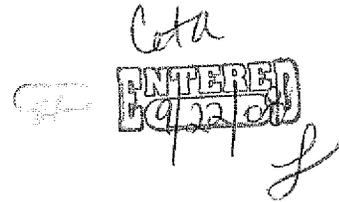


DEPARTMENT OF PUBLIC UTILITIES

September 16, 2008

CERTIFIED MAIL

Mr. James Smith
Hanson Heidelberg Cement Group-Midwest
209 Old Harrods Creek Road
Louisville, KY 40223



Re: Notice of Violation

Dear Mr. Smith:

Enclosed, please find a "Notice of Violation" for Hanson Heidelberg Cement Group - Midwest (Ohio EPA Source No. 0448040003, emissions unit F002, Conveyor C-31). 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!

Handwritten signature of Mary J. Lehman-Schmidt.

Mary J. Lehman-Schmidt,
Professional Engineer

MJLS/mjls

Enclosure

cc: Timothy D. Murphy, Commissioner
Karen Granata, P.E., Chief of Air Resources
Joyce Anagnos, Law Department
John Paulian, OEPA
Lisa Holscher, USEPA Region

NOTICE OF VIOLATION

September 16, 2008

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

Hanson Heidelberg Cement Group – Midwest (Sylvania Quarry)
4100 Centennial Road
Sylvania, Ohio 43560

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

Dates of Violation(s)

September 8, 2008 through present

Regulation(s) violated

Description of Source(s) and
Violations(s)

40 CFR Part 60.8

PTI 04-01368 - Testing Requirements
II.E.3:

"Within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not less than 180 days after initial startup of such facility and at such other times as may be required by the Director of the Ohio EPA or the Toledo Division of Environmental Services (TDOES), the owner or operator of such facility shall conduct performance test(s) as specified above and furnish the Toledo Division of Environmental Services a written result of such performance test(s). The permittee shall notify TDOES using the most recent intent to test notification form, available at OEPA's website, (<http://www.epa.state.oh.us/dapc/files/files.html>) at least 30 days prior to testing."

Hanson Heidelberg Cement Group - Midwest failed to perform the required visible emission testing for the Conveyor C-31 (emissions source F002) within 180 days after startup. Startup was reported on March 7, 2008 and testing was required prior to September 7, 2008. No evidence has been submitted that testing has been performed.

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).

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.