

CITY OF TOLEDO



August 2, 2007

DEPARTMENT OF PUBLIC UTILITIES

CERTIFIED MAIL

Peter Thomas
All Ohio Ready Mix – Plant 481
7901 Sylvania Avenue
Toledo, Ohio 43650

Re: Notice of Violation

Dear Mr. Thomas:

Enclosed, please find a "Notice of Violation" for Ohio Ready Mix – Plant 481 Ohio EPA Source No. 04480141058, emissions unit F009. Please review this document carefully as some action is required on your part.

If you have any questions, please feel free to contact me via telephone, 419-936-3942 or e-mail, Joslyn.Summers@epa.state.oh.us.

Yours from Toledo – a City of the Future!*


Joslyn Summers
Engineer-Air Resources

*fDi Magazine-April 2007

JS/js

Enclosure

cc:

T. Casey Stephens, Commissioner, TDES
Karen Granata, P.E., Chief-Air Resources, TDES
Beatrice Miringu, Environmental Specialist, TDES
Lisa Holscher, USEPA Law Department
John Paulian, OEPA DAPC Central Office

T. Casey Stephens, 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: casey.stephens@toledo.oh.gov

NOTICE OF VIOLATION

August 2, 2007

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

Ohio Ready Mix Plant 481
4950 Stickney Ave.
Toledo, Ohio 43612

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

Date of Violation

July 31, 2007

Regulations Violated	Description of Source and Violations
<p>OAC rule 3745-31-05(A)(3)</p> <p><i>There shall be no visible emissions of fugitive Dust from any unpaved roadway or parking area except for a period of time not to exceed three minutes in any 60-minute observation period</i></p>	<p>F009 - Paved and Unpaved Roadways and Parking Lots</p>
<p>ORC rule 3704.05.(A)</p> <p><i>No person shall cause, permit or allow emission of an air contaminant in violation of any rule adopted by the director of environmental protect</i></p> <p>OAC rule 3745-17-08(B)(8),(9)</p> <p><i>The permittee shall promptly remove, in such a manner as to minimize or prevent re-suspension, earth and/or other material from paved streets onto which such material has been deposited by trucking or earth moving equipment by trucking or earth moving equipment or erosion by water or other means.</i></p>	<p>On July 31, 2007, visible emissions were observed at the exit of the facility and a Method 22 was performed on the public thoroughfare visible emissions that occurred as a result of trucks exiting the concrete plant; 9.64 - minutes in a 40 - minute period.</p>

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

Institute a control program adequate to eliminate excess emissions of visible particulate matter. In compliance with OAC rule 3745-17-08(B) the control measures in this program may include:

1. Identify all potential fugitive dust emission sources
2. Assign dust control methods
 - a. Water, or other suitable dust suppression chemicals on dirt or gravel roads and parking lots, and other surfaces which can cause emissions of fugitive dust;
 - b. covering, at all times, of open bodied vehicles when transporting materials likely to become airborne;
 - c. the paving of roadways and the maintaining of roadways in a clean condition; and
 - d. the prompt removal, in such a manner as to minimize or prevent re-suspension, of earth or other material from paved streets onto which earth or other material has been deposited by trucking or earth moving equipment or erosion by water or other means.

Nothing prohibits the permittee from employing other control measures to ensure compliance. The application of additional stone to gravel roadways and the operation of street sweeping equipment may also be considered appropriate other control measures.

3. Determine frequency of application for the dust control methods
4. Monitor and record all dust control activities

Your written response regarding this Notice of Violation should be directed to Joslyn Summers at the Division of Environmental Services, 348 S. Erie Street, Toledo, Ohio 43604.

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.