

AKRON REGIONAL AIR QUALITY MANAGEMENT DISTRICT

*Agent of the Ohio Environmental Protection Agency • Division of the Summit County Health District
Serving Medina, Portage and Summit Counties*

TELEPHONE: (330) 375-2480

FAX: (330) 375-2402

4/25/2012

Certified Mail

Pam Procaccio
Pro Tree & Landscape Co. Inc.
1551 17th Street
Cuyahoga Falls, OH 44223

Re: NOTICE OF VIOLATION - Relocation of Air Contaminant Sources without Adequate Notice
Facility ID: 1677940013
Pro Tree & Landscape Co. Inc.
Location: 5383 Massilon Rd,
Akron, OH 44319

Dear Ms.Procaccio:

The Akron Regional Air Quality Management District has learned that the facility identified above has begun the relocation and installation of a portable facility without receiving prior approval from the Ohio Environmental Protection Agency (Ohio EPA). This relocation is a violation of the terms and conditions of PTIO # P0103814 and the Ohio Administrative Code (OAC) rule 3745-31-03(1)(p). OAC rule 3745-31-03(A)(1)(p) states that to be exempt from obtaining a permit to install (PTI) for portable sources, the relocation of any portable source in the state of Ohio shall meet the following:

The company has demonstrated that,

1. The portable source is equipped with the best available control technology for such portable source; and
2. The portable source is operating pursuant to a currently effective permit to operate; and
3. The applicant has provided proper notice of intent to relocate the portable source to the director within a minimum of thirty days prior to the scheduled relocation; and
4. In the director's judgment, the proposed site is acceptable under rule 3745-15-07 of the Administrative Code, or
5. The director has issued a site approval for the new location pursuant to rule 3745-31-05(F) of the Administrative Code.

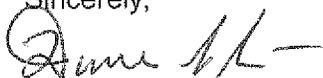
This facility did not provide proper notice of intent to relocate to the Director within thirty days prior to the scheduled relocation. Also, the portable plant was relocated without receiving approval from Ohio EPA. Failure to comply with the terms and conditions of PTIO # P0103814 and OAC 3745-31-03(A)(1)(p) could subject this facility to enforcement action. Also, if any of the other criteria mentioned above is not met, Ohio EPA could deny the relocation of the portable plant. In the future, please make sure that any portable facility from this facility meets the above criteria before it moves to a new location.

Please note that the Ohio EPA has the authority to seek civil penalties as provided in section 3704.06 of the Ohio Revised Code (ORC). This letter or information pursuant to this letter does not constitute a waiver of Ohio EPA's authority to seek civil penalties as provided in the ORC. The decision on whether or not to seek such penalties will be made by the Ohio EPA at a later date.

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.

If you have any questions, please contact me at 330-375-2400 ext 3873 or E-mail dlaclair@schd.org.

Sincerely,



Duane LaClair
Akron Regional Air Quality Management District

cc: Tom Kalman, Central Office, Ohio EPA
John Paulian, Central Office, Ohio EPA
William MacDowell, Region 5 U.S. EPA