



**Environmental  
Protection Agency**

John R. Kasich, **Governor**  
Mary Taylor, **Lt. Governor**  
Scott J. Nally, **Director**

June 5, 2012

Mr. Regieg Kimerline  
Bucyrus Road Materials  
P. O. Box 350  
Bucyrus, Ohio 44820

Re: Notice of Violation (NOV/non-HPV) based on inspection conducted at Bucyrus Road Materials (0317010049), 1707 Tiffin Road, Bucyrus, OH 44820 on May 22, 2012.

Dear Mr. Kimerline:

This letter shall serve as a follow-up to the inspection conducted on May 22, 2012, of the above referenced facility by this writer. The purpose of this inspection was to determine the compliance status of all air contaminant sources located at the facility.

Based on my discussions with the plant operator, our discussions, my observations during the inspection and a review of the company's files, my findings are as follows:

1. Facility history: This facility was originally permitted under a synthetic minor permit to install (PTI) #03-8845, issued on January 4, 1996. Emissions units listed in the permit include: P901 (200 tons per hour (TPH) batch mix asphalt plant); T001 (20,000 gallon AC storage tank); F001 (parking areas and roadways) and F002 (Aggregate storage piles). Subsequently, PTI #03-17134 was issued on June 12, 2007, and Permit to Operate (PTO) issued on October 25, 2007. Both permits were issued for emissions unit P901 only which was changed from a 200 TPH plant to a 150 TPH plant.
2. P901 - 150 TPH batch mix asphalt: Currently this emissions unit is permitted under a PTO issued on October 25, 2007, which superseded PTI #03-17134, issued June 12, 2007. The company should be aware that the PTO will expire on October 25, 2012. It is necessary for the company to submit a permit renewal application to this office prior to this expiration date. The following violations of monitoring and/or record keeping and reporting requirements were found:
  - a) Monitoring and/or Record Keeping Requirements –
    - i. Pursuant to monitoring and recordkeeping requirement C.3b, the company is required to maintain a rolling, 12-month summation of the asphalt production. This rolling summation was to start after the first 12 calendar months was recorded as a cumulative asphalt production for each month.

The company has maintained monthly production records and has been keeping a 12 month summation; however, the summation is based on a calendar year and not a rolling 12-month summation. In order to rectify this issue the company shall report the first 12 months (June, 2007 – May 2008) in accordance with C.3.c. The company shall then create the 12-month rolling summation records in accordance with C.3.b, adding June 2008 into the total and dropping off June 2007 and so on. The company shall update the 12-monthly rolling records to current date and continue to keep this recordkeeping moving forward.

- ii. Pursuant to monitoring and recordkeeping requirement C.4. through C.4.d, the company is required to maintain records for the daily visible emission checks on the stack serving this emissions unit.
- iii. Pursuant to monitoring and recordkeeping requirement C.5. through C.5.d, the company is required to maintain records for the daily visible emission checks for fugitive dust.
- iv. Pursuant to monitoring and recordkeeping requirement C.6., the company is required to record the results of burner tuning.

In regards to the items identified in a.ii. through a.iv. above, the company has not been maintaining these records. Failure to maintain records in accordance with the monitoring and recordkeeping requirements is a violation of OAC rule 3745-15-03 and ORC 3704.05. At this time, Bucyrus Road Materials shall immediately begin maintaining all records for P901, as required in the PTO. The company shall submit an explanation of the recordkeeping program to be implemented and a timeline for doing so to this office.

b) Reporting Requirements –

- i. Pursuant to reporting requirement D.1., the company shall submit quarterly pressure drop deviation reports. If no deviations occur, the company shall submit a report stating such.
- ii. Pursuant to reporting requirement D.2., the company shall submit quarterly deviation reports regarding the rolling 12-month asphalt production limitation. If no deviations occur, the company shall submit a report stating such.
- iii. Pursuant to reporting requirement D.3., the company shall submit quarterly deviation reports regarding the RAP usage limitation. If no deviations occur, the company shall submit a report stating such.

- iv. Pursuant to reporting requirement D.4., the company shall submit quarterly deviation reports regarding the rolling 12-month SO<sub>2</sub>, NO<sub>x</sub>, OC, CO and PE limitations. If no deviations occur, the company shall submit a report stating such.
- v. Pursuant to reporting requirement D.5., the company shall submit semiannual deviation reports regarding visible emission checks on the stack serving this emissions unit. If no deviations occur, the company shall submit a report stating such.
- vi. Pursuant to reporting requirement D.6., the company shall submit semiannual deviation reports regarding the visible fugitive particulate emissions observations. If no deviations occur, the company shall submit a report stating such. Pursuant to reporting requirement D.7., the company shall submit a copy of the Burner Tuning Reporting Form for Asphalt Concrete Plants form to this office by January 31 of each year and shall cover the previous calendar year.

At this time, Ohio EPA has no record of Bucyrus Road Materials submitting any of the required reports or burner tuning documentation outlined in b) above; therefore, the company is in violation of OAC rule 3745-15-03 and ORC 3704.05 for failing to comply with the PTO's reporting requirements. Bucyrus Road Materials shall immediately begin submitting reports for P901, as required in the PTO. Reports shall be submitted through the company's eBusiness account. The company shall also submit an explanation of the recordkeeping program to be implemented and a timeline for doing so to this office.

- c) F001 – roadways and parking areas and F002 – storage piles: Currently these emissions units are permitted under PTI#03-8845, issued January 4, 1996. This office has no record of PTO applications being submitted for either of these units. Bucyrus Materials is in violation of OAC rule 3745-35-02 (rescinded June 30, 2008), OAC rule 3745-31-02 and ORC 3704.05 for not applying for a PTO, which is now called a Permit-To-Install and Operate (PTIO). In order to correct this violation, Bucyrus Road Materials is required to submit a completed PTIO application and the applicable emissions activity category (EAC) forms. Electronic PTIO and EAC forms are available on Ohio EPA's website at <http://epa.ohio.gov/dapc/fops/eac/eacforms.aspx>.
- d) T001 – 20,000 gallon AC storage tank: Based on the information in our files it is not clearly ascertained whether this tank qualifies for an exemption under OAC rule 3745-31-03(A)(1) or is subject to the rules and regulations under OAC rule 3745-31-02 regarding PTIOs. This office is requiring the facility to submit a determination of rule applicability to this office for review.

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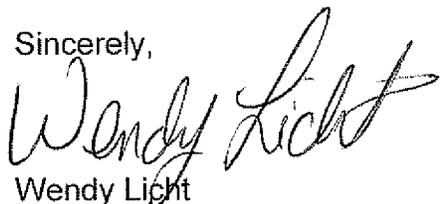
If the company finds that this tank requires a permit, this office is requiring that the company submit a PTIO application and corresponding EAC form.

Ohio EPA has an Office of Compliance Assistance and Pollution Prevention (OCAPP) that may be able to assist you in determining compliance with the rules and regulations of DAPC. OCAPP may also provide assistance in compiling the information referenced above. You can find additional information on this office at their website at <http://www.epa.ohio.gov/ocapp> or by calling OCAPP at 1-800-329-7518. The OCAPP representative at this office is Mr. Ron Nabors and can be contacted at (419) 373-3147 or at [ron.nabors@epa.ohio.gov](mailto:ron.nabors@epa.ohio.gov).

Ohio EPA requests that Bucyrus Road Materials submit a written response with the information referenced above by **July 31, 2012**. Please note that the submission of the requested information to respond to this letter does not constitute a waiver of the Ohio EPA's authority to seek civil penalties pursuant to ORC section 3704.06. The Ohio EPA will make the decision on whether to pursue or decline to pursue such penalties regarding this matter at a later date.

I would like to thank you for the courtesy extended during my visit. Should you have any questions or comments concerning this letter, please feel free to contact me at (419) 373-3134 or electronically at [wendy.licht@epa.state.oh.us](mailto:wendy.licht@epa.state.oh.us).

Sincerely,



Wendy Licht  
Division of Air Pollution Control

/llr

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