



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.  
Twinsburg, Ohio 44087

TELE: (330) 963-1200 FAX: (330) 487-0769  
www.epa.state.oh.us

Ted Strickland, Governor  
Lee Fisher, Lieutenant Governor  
Chris Korieski, Director

September 17, 2007

RE: NOTICE OF VIOLATION FOR  
OPERATING IN EXCESS OF PERMIT  
ALLOWABLE EMISSION LIMITATIONS  
FOR PARTICULATE EMISSIONS  
DAPC FACILITY ID: 02 85 00 0099

CERTIFIED MAIL

Mr. Gary Radabaugh  
D & R Supply, Inc.  
18228 Fulton Road  
Marshallville, OH 44645

Dear Mr. Radabaugh:

The purpose of this letter is to discuss the results of the compliance testing performed at D & R Supply, Inc. in Marshallville, Ohio on August 1, 2007. The testing was performed to determine actual emissions of particulate emissions (PE). Please pass along a thank you to your staff for the cooperation exhibited and for providing all requested information while the testing was being performed.

This office received the testing results on September 13, 2007. The test was performed under isokinetic conditions and the methodology used appears to be acceptable. The production rate during the test averaged 111 tons/hr, which is within 90% of the maximum capacity of the plant (120 tons/hr).

The results of the testing indicate that the actual mass rate of emission of PE is 0.085 gr/dscf, over twice as much as the allowable emission limit of 0.04 gr/dscf. This exceedence is a violation of the terms and conditions of permit-to-install (PTI) 02-16897, Subpart I of 40 CFR, Part 60 [New Source Performance Standards (NSPS)], and Ohio Revised Code (ORC) 3704.05(A) and (C).

As mentioned above, the stack test report was received by this office on September 13, 2007, 43 days after the testing was performed. This is a violation of the terms and conditions of PTI 02-16897, which requires that the report be submitted within 30 days after testing is performed. Please be sure to submit all future stack test reports in a timely manner.

MR. GARY RADABAUGH  
D & R SUPPLY, INC.  
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Please submit a compliance plan and schedule detailing the steps which will be taken to come into compliance with the PE emission limitations. Please submit this plan to my attention at the Northeast District Office of Ohio EPA, **within twenty-one (21) days of receipt of this letter**. This plan should include any corrective actions to be taken as well as a scheduled date for additional stack testing.

Failure to comply with the above requests may result in further enforcement action up to and including a referral to the Central Office of Ohio EPA for appropriate action.

The submission of the requested information does not constitute a waiver of Ohio EPA's authority to seek civil penalties as provided in ORC 3704.06. Ohio EPA will decide whether to pursue or decline to pursue penalties regarding this matter at a later date.

Should you have any questions regarding this matter, please feel free call me at (330) 963-1270.

Sincerely,



Tim Fischer  
Environmental Specialist  
Division of Air Pollution Control

TF:bo

ec: Dennis Bush, Ohio EPA, DAPC, NEDO  
Ed Fasko, Ohio EPA, DAPC, NEDO

cc: Bob Princic, Ohio EPA, DAPC, NEDO  
Lisa Holscher, U.S. EPA, Region 5  
Tom Kalman, Ohio EPA, DAPC, CO