



Environmental
Protection Agency

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

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8/15/12

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CERTIFIED MAIL # 91 7108 2133 3932 1838 2802

August 7, 2012

Todd Dragna
Central Ready Mix of Ohio, LLC
P.O. Box 70
Monroe, OH 45050

Re: **Second Notice of Violation** for Central Ready Mix of Ohio, LLC
(Facility ID 0125042446)

Dear Mr. Dragna:

Ohio EPA, Central District Office (CDO) sent a Notice of Violation dated July 11, 2012, to Central Ready Mix of Ohio, LLC regarding fugitive dust emissions and the failure to submit a timely permit-to-operate (PTO) application. Ohio EPA received another complaint on July 31, 2012, regarding fugitive dust emissions coming from the facility.

Listed below are "Findings" based upon CDO observations and conversations with facility personnel. The findings are followed by "Violation(s)" (if applicable) and "Requested Action(s)" necessary to address stated findings and violations.

1. **Finding:** Fugitive dust emissions

CDO inspectors observed visible emissions coming from the facility impairing visibility on North Wilson Road in Columbus, Ohio. CDO inspectors also observed dragout from the facility on August 2, 2012.

Violation

Fugitive emissions from the facility is a violation Part II.A.1. of the terms and conditions of permit-to-install (PTI) 01-08626 which states:

"Best available control measures shall be sufficient to minimize or eliminate visible emissions of fugitive dust."

Dragout of material from the facility onto public roadways is a violation of Part II.A.2.h of PTI 01-08626 which states:

"The permittee shall promptly remove, in such a manner as to minimize or prevent resuspension, earth and/or other material from paved streets onto which such material has been deposited by trucking or earth moving equipment or erosion by water or other means."

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50 West Town Street, Suite 700
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Central Ready Mix of Ohio, LLC
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Violation of the terms and conditions of PTI 01-08626 is also considered a violation of Ohio Revised Code (ORC) 3704.05(C) which states:

"No person who is the holder of a permit ... shall violate any of its terms or conditions."

Requested Action

CDO requests the facility immediately comply with the terms and conditions of their issued permit. In addition, CDO requests that Central Ready Mix of Ohio, LLC submit a plan and schedule within fourteen (14) days of receipt of this letter which clearly demonstrates how the facility will comply with the terms and conditions of their permit.

Furthermore, be aware that impairing visibility of roadways may be causing or contributing to a public nuisance condition in violation of Ohio Administrative Code (OAC) 3745-15-07 which states:

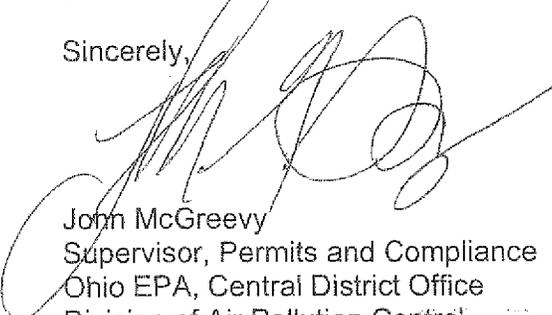
"...[T]he emission ...into the open air from any source...in such a manner or in such amounts as to endanger the health, safety or welfare of the public ...is hereby found and declared to be a public nuisance."

Additional Information

Be aware that 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 Ohio EPA at a later date.

If you have any questions, please contact Barbara Walker of my staff at (614) 728-3805 or barbara.walker@epa.ohio.gov.

Sincerely,



John McGreevy
Supervisor, Permits and Compliance
Ohio EPA, Central District Office
Division of Air Pollution Control

c: Adam Ward, CDO/Administration
e: John McGreevy, CDO/DAPC
Kelly Toth, CDO/DAPC
Barbara Walker, CDO/DAPC
John Paulian, CO/DAPC
Amber Finkelstein, CO/PIC