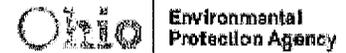


Air Pollution Control Division



Canton City Health Department

420 Market Avenue North • Canton, Ohio • 44702-1544
(330) 489-3385 • Fax: (330) 489-3335

APC Contractual Representative
Serving All of Stark County

James M. Adams, RS, MPH
Health Commissioner

Terri A. Dzienis
APC Administrator

August 23, 2012

CERTIFIED MAIL

Mr. Mario Diano
Diano Supply Company
1000 Warner Road S.E.
Canton, OH 44707

**Re: NOTICE OF VIOLATION of installation and operation of air contaminant sources without a permit
RESOLUTION OF VIOLATION of installation and operation of air contaminant sources without a permit
Diano Supply Company located at 1000 Warner Road S.E., Canton, OH 44707
Stark County
Facility ID # 1576051347**

Dear Mario Diano:

The Canton City Health Department, Air Pollution Control Division (Canton LAA) called you, Mr. Mario Diano, on 06/01/2012 to discuss arranging a site visit and our providing you with the necessary paperwork to renew your facility's air operating permits. The site visit was performed on 6/05/2012 at the facility identified above. During the site visit I reviewed your facility's existing emission units (air contaminant sources) as part of the process to renew your facility's air operating permits.

During the site visit, I found a concrete recycling crushing / aggregate processing operation that was not part of the existing emission units list. You verbally informed me that the concrete recycling crusher / aggregate processing plant was installed and operating at least a year ago. I then requested that you submit an Air Permit-to-Install and Operate (PTIO) application to correct the issue.

Finding:

During a site visit on 06/05/2012, this office learned that the facility identified above installed and has been operating an air contaminant source prior to applying for and obtaining an air PTIO from the Ohio Environmental Protection Agency (Ohio EPA). More specifically, a concrete recycling crusher / aggregate processing plant, identified as emission unit F008, was installed on 04/01/2007. These specific details were provided in the PTIO application received on 07/11/2012.

Violation of:

The installation and operation of any stationary air pollution source without first applying for and obtaining a PTIO constitutes a violation of OAC rule 3745-31-02. The Ohio Administrative Code (OAC) rule 3745-31-02(A) states that:

"...no person shall cause, permit, or allow the installation or modification, and subsequent operation of a new source [of air pollutants]...without first obtaining a PTIO from the director."

A violation of OAC rule 3745-31-02 is also a violation of Ohio Revised Code (ORC) 3704.05(A), which states:

Mr. Mario Diano
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"No person shall cause, permit, or allow emission of an air contaminant in violation of any rule adopted by the director of environmental protection..."

Requested Actions and Resolution of Violation:

On 06/05/2012, an email was sent to you formally requesting the submission of a PTIO application, along with a request for other information. During a meeting on 07/11/2012, you completed and delivered the PTIO application, as requested, for Diano Supply Company. On 07/30/2012, an Initial Installation PTIO P0110468 was issued by the Ohio EPA for the concrete recycling crusher / aggregate processing plant, emission unit F008. The permit issuance fee was doubled, per ORC 3745.11(J), for the installation of the crushing operation prior to obtaining a permit. The violation noted above has therefore been addressed and is now considered resolved.

This office requests that Diano Supply Company not violate this rule in again. If at some time in the future this facility plans to install or modify an air contaminant source, please contact me to obtain the appropriate forms and discuss the applicability of any rules in question. Ohio EPA endeavors to process all applications in an expeditious manner.

Please note that, even though this violation is resolved, this does not preclude the Ohio EPA from seeking civil penalties pursuant to ORC 3704.06. The decision on whether to pursue or decline to pursue such penalties regarding this matter is dependent on several factors, one of which is the facility's future compliance with applicable Ohio EPA requirements.

If you have any questions, please contact me at 330-489-3385 or E-mail: kfortune@cantonhealth.org.

Sincerely,



Kevin Fortune
Air Pollution Control Engineer
Canton City Health Department

cc: Bruce Weinberg, Central Office, Ohio EPA
William MacDowell, Region 5 U.S. EPA