

Air Pollution Control Division

Ohio Environmental Protection Agency

Canton City Health Department

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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. Scott Oster
Oster Sand & Gravel Inc Massillon Plant
5947 Whipple Ave
North Canton, OH 44720

**Re: NOTICE OF VIOLATION of modification and operation of air contaminant sources without a permit
RESOLUTION OF VIOLATION of modification and operation of air contaminant sources without a permit
Oster Sand & Gravel Inc Massillon Plant located at 1955 Riverside Dr NW, Massillon, OH 44646
Stark County
Facility ID # 1576130000**

Dear Scott Oster:

The Canton City Health Department, Air Pollution Control Division (Canton LAA), performed a routine file review and found that the facility identified above had only one registration permit to operate issued, on 6/16/1978, for its aggregate processing operations, identified as emission unit P001. Per the old permit application in the file received on 08/14/1972, the maximum material throughput at the time of registration was 300 tons per hour, which equates to 31 tons of particulate emissions per year. Due to the level of particulate emissions, a registration permit appears to have been issued in error for P001.

I called you, Mr. Scott Oster, on 07/20/2012 to discuss this issue and confirm operating levels at your facility. You verbally informed me that your aggregate processing plant was modified to increase your production rate to 400 tons per hour several years ago. I then requested that you submit an Air Permit-to-Install and Operate (PTIO) application to correct the issue.

Finding:

During the phone conversation on 07/20/2012, this office learned that the facility identified above modified and has been operating air contaminant sources prior to applying for and obtaining an air PTIO from the Ohio Environmental Protection Agency (Ohio EPA). More specifically, the dry aggregate processing plant, P001, was modified in 1988, increasing its material throughput to 400 tons per hour, and the wet aggregate processing plant, P002, was modified in 1990, increasing its material throughput to 400 tons per hour. These specific details were provided in the PTIO application received on 08/10/2012.

Violation of:

The modification 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."

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

"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:

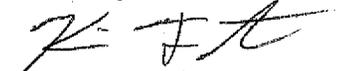
On 07/23/2012, an email was sent to you formally requesting the submission of a PTIO application, along with a request for other information. On 08/10/2012, you submitted a complete PTIO application via Air Services, as requested, for Oster Sand & Gravel Inc Massillon Plant. On 08/15/2012, a Chapter 31 modification PTIO P0110631 was issued by the Ohio EPA for aggregate processing plant emission units P001 and P002. The permit issuance fee was doubled, per Ohio EPA policy, for the modification of a source prior to obtaining a permit. The violation noted above has therefore been addressed and is now considered resolved.

This office requests that Oster Sand & Gravel Inc Massillon Plant 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