



AKRON REGIONAL  
AIR QUALITY MANAGEMENT DISTRICT

Agency of the Ohio Environmental Protection Agency - Division of the Akron Metropolitan Department  
Serving Medina, Portage and Summit Counties

TELEPHONE: (330) 375-2480  
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L. M. Malcolm, P.E.  
Administrator

September 20, 2011

CERTIFIED MAIL  
NOTICE OF VIOLATION (Non-HPV)

Mr. Michael E. Sekulich, President  
Tallmadge Asphalt/Paving Co., Inc.  
741 Tallmadge Road  
Brimfield, Ohio 44240

Dear Mr. Sekulich:

This **NOTICE OF VIOLATION** was issued based on information obtained during and subsequent to the 6/17/2011 full-compliance evaluation inspection of your 741 Tallmadge Road, Brimfield, OH facility (Ohio EPA #1667000081) that indicated violations of certain terms of the current air permit (Permit to Install (PTI) #16-02436, issued final 4/12/2007) and of applicable Ohio Revised Code (ORC) rules for the hot mix asphalt plant (emissions unit #P901).

Please be aware of the following violations of identified PTI #16-02436 permit terms, in bold, contained in PART II – SPECIAL TERMS AND CONDITIONS FOR SPECIFIC EMISSIONS UNIT(S) and applicable ORC rules for emissions unit P901:

Term **A.2.b** limits sulfur content of the used oil burned in emissions unit P901 to a maximum 0.5%, by weight. Term **B.2** does not allow the burning of any oils, including used oil, in emissions unit P901 that do not meet the requirements specified in PTI #16-02436. Term **B.3** does not allow the permittee to receive or burn used oil that does not meet the requirements specified in Term **A.2.b**.

Based on a review of available records, the facility received and burned a total volume of 184,313 gallons of used oil with a sulfur content of 1.30%, by weight, during 2007, and again, during 2010, the facility received and burned a total volume of 109,955 gallons of used oil with a sulfur content of 1.3%, by weight. No other fuels were apparently burned during 2007 and 2010.

The facility violated Terms **A.2.b**, **B.2** and **B.3** during the entire production seasons of years 2007 and 2010 since the only fuel received and burned in emissions unit P901 was used oil with a sulfur content of 1.3%, by weight. ORC 3704.05(C) states: "No person who is the holder of a permit issued under division (F) or (G) of section 3704.03 of the Revised Code shall violate any of its terms or conditions." This constitutes a violation of ORC 3704.05(C) for years 2007 and 2010.

Term **D.3** requires quarterly deviation (excursion) reports to be submitted that identify all exceedances of the 0.5%, by weight, used oil sulfur content limit. As of today, no such reports have been received at this office for the used oil sulfur content violations cited above. This is a violation of Term **D.3** and constitutes a violation of ORC 3704.05(C). Please provide this office no later than 14 days from receipt of this letter revised/missing quarterly deviation (excursion) reports for all exceedances of the 0.5%, by weight, used oil sulfur content limit, as required by Term **D.3** in PTI #16-02436.

CITICENTER - SUITE 904

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Mr. Michael E. Sekulich  
September 20, 2011  
Page 2

On June 24, 2011, you signed and issued a letter stating that your facility switched from used oil, the facility's primary fuel, to natural gas, an approved secondary fuel, during the week of May 16, 2011. In a July 15, 2011 email to your consultant and copied to your facility, I stated that Terms B.2 and E.1.a of PTI #16-02436 require stack testing of the secondary fuel be completed within 60 days after switching to the secondary fuel. The facility did not meet this deadline because the testing was not completed until August 2, 2011. This is a violation of Terms B.2 and E.1.a and constitutes a violation of ORC 3704.05(C).

Term E.1, in the last paragraph, states a comprehensive written report on the results of an emissions test shall be submitted within 30 days following completion of the test. The required report on the results of the August 2, 2011 stack test was not received until September 16, 2011. Therefore, submission of the August 2, 2011 stack test report did not meet the 30 day requirement and was late. This is a violation of Term E.1 and constitutes a violation of ORC 3704.05(C).

A preliminary review of the August 2, 2011 stack test report received September 16, 2011 does not indicate the type of fuel, e.g., natural gas, and quantity of fuel, e.g., cubic feet of natural gas, was burned during the test. Also, the report indicates the production during the test was well below 90% of the rated capacity of the plant. Therefore, upon permit renewal, the plant may be derated with emissions limits based on the average production recorded during the August 2, 2011 stack test. Please provide this office no later than 14 days from receipt of this letter a written statement that identifies the type and quantity of fuel burned during the August 2, 2011 stack test.

Again, no later than 14 days from receipt of this letter, please submit to this office all of the information requested above. Failure to submit the information as requested, and by the date requested, may cause further enforcement action.

Keep in mind, the submission of requested information in no way waives the right of Ohio EPA or US EPA to pursue additional enforcement action in this matter, including the assessment of civil penalties. Ohio Revised Code allows for civil penalties of up to \$25,000 for each day of each violation. The decision to pursue, or decline to pursue, additional enforcement in this matter will be made at a later date.

If you have any questions or need additional information, please call.

Sincerely,



Russell Risley  
Air Quality Engineer

Lisa Holscher, US EPA  
Tom Kalman, Ohio EPA  
Duane LaClair, ARAQMD