



**SOUTHWEST OHIO
AIR QUALITY AGENCY**

October 16, 2012

Certified Mail

Mr. Doug Evans
Evans Landscaping Inc.
4229 Round Bottom Rd.
Cincinnati, OH 45244

Re: NOTICE OF VIOLATION – Roundbottom Road Emissions Units F001, F002, P001-P004

Facility ID: 1431344222
Evans Landscaping Inc.
Location: 4229 Round Bottom Rd
Anderson Township, OH 45244
Hamilton County

Dear Mr. Evans:

On September 10, 2012, this agency conducted a facility inspection at the Evans Landscaping Inc. facility, (Ohio EPA Facility ID 1431344222) located at 4229 Round Bottom Rd. in Anderson Township, Ohio for compliance with Terms and Conditions outlined in the facilities permits: Permit To Install (PTI) 14-05884 issued on March 13, 2007 (emissions units F001, F002, P001-P004); Permit to Operate (PTO) P0099741 issued on August 27, 2007 (emissions units F001, F002, P001-P003); and PTO P0099742 issued on September 6, 2007 (emissions unit P004). During the inspection, multiple compliance issues were observed.

The Agency has established that several pieces of equipment have been operating as air contaminant sources prior to applying for and obtaining an Air Permit-to-Install and Operate (PTIO) from the Ohio Environmental Protection Agency (Ohio EPA). These pieces of equipment consist of 2 separate air contaminate sources, including 2 Power Screen Trommel 830's and material handling operation associated with the trommels. According to information provided by yourself during the inspection, these units have been operating as mulch shredders and screeners for a period of time still undetermined.

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 (B) states that no person shall cause, permit, or allow the installation of a new source of air pollutants...without first obtaining a PTIO from the director.

During the inspection it was observed that emission units P001, P002 and P003, 1000 HP Tub Grinders and Material Handling operations, were not on site at the Evans Landscaping facility and their location was unknown. Subsequent conversations with Evans since the inspection have not provided this agency with the location(s) of emissions unit P001, P002, and P003.

The Terms and Conditions outlined in the facility's PTI 14-05884 and operating permit P0099741, dictate that prior to moving these emission units, the facility must submit an Intent to Relocate Request application 30 days prior to the anticipated move date and that the facility receive an Approved Relocation of Portable Facility letter.

The Terms and Conditions Section of the facilities PTI 14-05884 and permit to operate P0099741, and P0099742, requires the use of the Best Available Control Measures (BAT). In this particular case BAT includes the application of a water spray or other dust suppression chemical, to eliminate fugitive particulate emissions and where applicable, specific material handling techniques. Immediately prior to the physical observation of the facility a visit was made to the



Evans's main office to discuss the inspection and to observe the facilities records for the implementation of dust suppression techniques for each of the emissions units at Evans Landscaping Facility. These units include EU F001, F002, P001, P002, P003 and P004. Sections C, Monitoring and/or Record Keeping Requirements for each respective emission unit's permits state that an inspection of the units is required at least once daily (weekly for F001) during operation to determine the need for implementing control measures and outline the types of records that must be kept with respect to those daily inspections. This section of the Standard Terms and Conditions of the facilities permits outlines the requirements for record keeping. The facility is also in violation of those requirements, in that the records outlined have not been kept since at least September 2011 to indicate that daily (emissions units F002, P001, P002, P003, and P004) or weekly (emissions unit F001) inspections had been done and the frequency with which control measures had been implemented.

Section C, Monitoring and/or Record Keeping Requirements also require for emissions units P001, P002, and P003 monthly records of the following: a) the annual operating hours of each emissions unit; b) the rolling 12-month summation of the operating hours for emissions units P001-P003 combined; and c) the rolling 12-month summation of PE, PM-10, SO₂, VOC, NO_x, and CO emissions for emissions units P001, P002, and P003. These records had not been kept from at least September 2011 to present.

Permits P0099741 and P0099742, also require Evans to submit quarterly and annual compliance reports. There is no documentation of the quarterly compliance reports being received since issuance first quarter of 2010 for emissions units F001, F002, P001-P004. The annual report required by emissions unit P001-P003 has not been submitted since receiving the 2009 annual report. Failure to submit these reports is a violation the terms and conditions of the applicable PTI and PTO.

Finally, the current operating permits, P0099741 and P0099742, for this facility expired on August 27, 2012 and September 6, 2012, respectively. The operation of stationary air pollution sources without first applying for and obtaining a PTIO constitutes a violation of OAC rule 3745-31-02.

Failure to comply with the terms and conditions of PTI 14-05884 and operating permits P0099741 and P0099742 is a violation of section 3704.05(C) of the Ohio Revised Code. In order to address these violations, HCDOES requires Evans Landscaping Inc. to submit a compliance plan detailing actions the facility will take to come into compliance. This compliance plan shall include, but not be limited to, corrective actions that Evans has taken or will take to avoid such violations in future along with the time line of when these actions are to take place.

Please submit the compliance plan to this agency by October 31, 2012. Acceptance of a plan and/or schedule for compliance does not constitute a waiver of authority to seek civil penalties as provided in section 3704.06, of the Ohio Revised Code.

Please note that the 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 the Ohio EPA at a later date.

If you have any questions, please contact me at 513-946-7716 or e-mail mike.schierloh@hamilton-co.org.

Sincerely,



Michael Schierloh
Environmental Compliance Specialist
Southwest Ohio Air Quality Agency

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