

CITY OF TOLEDO



DEPARTMENT OF PUBLIC UTILITIES

March 4, 2013

CERTIFIED MAIL

Mr. Douglas Lozier
Asphalt Materials, Inc.
5400 West 86th Street
PO Box 68123
Indianapolis, Indiana 46268

Re: Notice of Violation

Dear Mr. Lozier:

Enclosed, please find a "Notice of Violation" for Asphalt Materials, Inc. (Ohio EPA Facility ID 0448020044 Emissions Units T006, T008 through T033, T035, T037, and T038 through T040). Please review this document carefully as some action is required on your part.

If you have any questions, please feel free to contact me at 419-936-3938.

Sincerely,

Matthew A. Stanfield
Staff Professional Engineer

Enclosure

cc: Tim Murphy
Karen Granata
Joyce Anagnos
John Paulian, Ohio EPA
William MacDowell, U.S. EPA Region 5

Timothy D. Murphy, Commissioner
DIVISION OF ENVIRONMENTAL SERVICES
Quilter Environmental Center
348 South Erie Street, Toledo, Ohio 43604-8633 USA
Telephone: 419-936-3015 Fax: 419-936-3959 E-mail: tim.murphy@toledo.oh.gov

NOTICE OF VIOLATION

March 4, 2013

The City of Toledo Division of Environmental Services hereby serves notice that:

Asphalt Materials, Inc. – Oregon Plant
940 North Wynn Road
Oregon, Ohio 43616

has violated the following environmental laws, orders, rules, or regulations on the indicated dates at the above address.

Dates of Violation(s)

February 20 to present

Regulation(s) violated

OAC rule 3745-31-02(A)(1)(c) - No person shall cause, permit, or allow the operation of any air contaminant source without first obtaining authority to operate through issuance of a PTIO from the Director of Ohio EPA.

Description of Source(s) and Violations(s)

Permits to Operate for emissions units T006, T008 through T033, T035, T037, and T038 through T040 were issued on February 20, 1998 and expired on February 20, 2013. Toledo Division of Environmental Services has not received permit renewal applications for these emissions units.

The above violation(s) may subject the violator to penalties of up to \$25,000 per violation. It is possible that a penalty may be assessed in this case. If a penalty is to be assessed, the amount will be determined after your response is reviewed.

Required Actions

Within 2 weeks of receipt of this Notice of Violation, you shall:

1. Abate the violation(s) or provide for an acceptable remedy.
2. Reply in writing to this Notice of Violation. The reply shall include:
 - a. description(s) and date(s) of action(s) taken thus far to abate the violation(s).
 - b. description(s) and expeditious time schedule of action(s) yet to be taken to remedy the violation(s).
 - c. description(s) of action(s) taken or to be taken to prevent recurrence of the violation(s). Your written response and any questions regarding this Notice of Violation should be directed to Matt Stanfield at the City of Toledo, Division of Environmental Services, 348 South Erie Street, Toledo, Ohio 43604.

The submission of the above requested information does not constitute a waiver of Ohio EPA's authority to seek civil penalties pursuant to Ohio Revised Code ' 3704.06. Ohio EPA will make a decision on whether to pursue or decline to pursue such penalties regarding this matter at a later date.