



John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Craig W. Butler, Director

January 3, 2017

**CERTIFIED MAIL**

Mr. David Ronyak  
Shalersville Asphalt Co.  
P.O. Box 540  
Burton, Ohio 44021

Re: Final Findings and Orders for violations of  
Ohio's air pollution regulations

Dear Mr. Ronyak:

Transmitted herewith are the Final Findings and Orders ("Orders") of the Director of Ohio EPA concerning the above-referenced matter.

Please note that the effective date of the Orders is the date that the Orders were entered into the Ohio EPA Director's journal, which is the date that is stamped on the first page of the Orders.

Sincerely,

A handwritten signature in black ink, appearing to read "James Kavalec", is written over a horizontal line.

James Kavalec, Manager  
Compliance/Enforcement Section  
Division of Air Pollution Control

ec: James Lee, PIC  
Lee Tullis, DAPC  
Kara Philibin, DAPC  
Steve Feldmann, Legal  
John Paulian, DAPC-CO  
Brandon Schwendeman, DAPC-CO  
Sam Rubens, ARAQMD

RECEIVED  
OHIO EPA

BEFORE THE

2017 JAN -3 PM 3:01

OHIO ENVIRONMENTAL PROTECTION AGENCY

RECEIVED  
2016 DEC 19 AM 10:01  
OHIO EPA

LEGAL OFFICE  
In the Matter of:

Shalersville Asphalt Co.  
3486 Frost Road  
Mantua, Ohio 44255

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**Director's Final Findings  
and Orders**

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

**PREAMBLE**

It is agreed by the parties hereto as follows:

By: Jerry Kasserer Date: 1/3/14  
C# 250779

**I. JURISDICTION**

These Director's Final Findings and Orders ("Orders") are issued to Shalersville Asphalt Co., ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") §§ 3704.03 and 3745.01.

**II. PARTIES BOUND**

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law. No change in ownership of Respondent or of the facility (as hereinafter defined) shall in any way alter Respondent's obligations under these Orders.

**III. DEFINITIONS**

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 3704 and the rules promulgated thereunder.

**IV. FINDINGS**

The Director of Ohio EPA makes the following findings:

1. Respondent owns and operates an asphalt plant (Facility ID#1667050012) located at 3486 Frost Road, in Mantua, Ohio (Portage County). At this facility, among other emissions units, Respondent operates emissions unit ("EU") P903, which is a 300 TPH continuous counter-flow gas-fired drum mix asphalt plant. EU P903 was installed and began operation in April of 2015. The permit to install and operate ("PTIO") P0118043, which contains EU P903, was issued on April 27, 2015.

2. The terms and conditions of PTIO P0118043 establish that the particulate emissions ("PE") from the stack serving EU P903 shall not exceed the limit of 0.033 lb per ton asphalt produced.

3. The terms and conditions of PTIO P0118043 establish that the carbon monoxides ("CO") emissions from the stack serving EU P903 shall not exceed the limit of 0.15 lb per ton of asphalt produced.

4. The terms and conditions of PTIO P0118043 establish that the annual CO limit from the stack serving EU P903 shall not exceed the limit of 37.75 tons per rolling 12-month period (based on stack and fugitive emissions.)

5. ORC § 3704.05(C) states, in part, that no person who is a holder of a permit issued under ORC § 3704.03(F) or (G) shall violate any of its terms or conditions.

6. On July 14 and 15, 2015, Respondent performed a compliance emissions test on EU P903. The emissions test results identified that the average measured PE and CO emissions were 0.052 lb per ton asphalt produced and 1.10 lbs per ton of asphalt produced, respectively. Since the average measured rate exceeded the PE and CO permit limits, Respondent was in violation of the terms and conditions of FEPTIO P0118043 and ORC § 3704.05(C).

7. On September 22, 2015, Akron Regional Air Quality Management District ("ARAQMD"), Ohio EPA's representative in Portage County, sent a notice of violation ("NOV") letter to Respondent for the violations of the terms and conditions of FEPTIO P0104653 and ORC § 3704.05(C) for failing to meet both PE and CO limits from the July 14 and 15, 2015 stack tests.

8. On June 21, 2016, Respondent performed another compliance emissions test on EU P903. The emissions test results identified that the average measured PE and CO were 0.147 lb per ton of asphalt produced and 0.20 lb per ton of asphalt produced, respectively. Since the average measured rate exceeded the PE and CO permit limits, Respondent was in violation of the terms and conditions of FEPTIO P0118043 and ORC § 3704.05(C).

9. On July 22, 2016, ARAQMD issued a NOV letter to Respondent for the violations of the terms and conditions of FEPTIO P0118043 and ORC § 3704.05(C) for failing to meet both PE and CO limits from the June 21, 2016 stack tests.

10. On July 29, 2016, Respondent performed another compliance emissions test on EU P903. The emissions test results identified that the average measured PE and CO emissions were 0.0879 lb per ton of asphalt produced and 0.08 lb per ton of asphalt produced, respectively. Based on these test results, Respondent was in compliance with the CO limit but not for the PE limit. Since the average measured rate exceeded the PE permit limit, Respondent was in violation of the terms and conditions of FEPTIO P0118043 and ORC § 3704.05(C).

11. On August 30, 2016, ARAQMD issued a NOV letter to Respondent for the violation of the terms and conditions of FEPTIO P0118043 and ORC § 3704.05(C) for failing to meet the PE limit from the July 29, 2016 stack tests.

12. On September 19, 2016, Respondent performed another compliance emissions test on EU P903. The emissions test results identified that the average measured PE was 0.012 lb per ton of asphalt produced which met the PE limit in FEPTIO P0118043.

13. Based on the available records, ARAQMD confirmed that from at least April 2016 through September 19, 2016, Respondent exceeded the CO annual limit of 37.75 tons per rolling 12-month period, in violation of the terms and conditions of FEPTIO P0118043 and ORC § 3704.05(C).

14. The Director has given consideration to, and based his determination on, evidence relating to the technical feasibility and economic reasonableness of complying with the following Orders and their relation to benefits to the people of the State to be derived from such compliance.

#### **V. ORDERS**

The Director hereby issues the following Orders:

1. Respondent shall pay the amount of forty-four thousand and six hundred dollars (\$44,600) in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3704. Within thirty (30) days after the effective date of these Orders, payment to Ohio EPA shall be made by an official check made payable to "Treasurer, State of Ohio" for forty-four thousand and six hundred dollars (\$44,600) of the total amount. The official check shall be submitted to Carol Butler, or her successor, together with a letter identifying Respondents, to:

Ohio EPA  
Office of Fiscal Administration  
P.O. Box 1049  
Columbus, Ohio 43216-1049

#### **VI. TERMINATION**

Respondent's obligations under these Orders shall terminate upon Ohio EPA's receipt of the official checks required by Section V of these Orders.

**VII. OTHER CLAIMS**

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to, operations by Respondent.

**VIII. OTHER APPLICABLE LAWS**

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent.

**IX. MODIFICATIONS**

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

**X. NOTICE**

All documents required to be submitted by Respondents pursuant to these Orders shall be addressed to:

Akron Regional Air Quality Management District  
1867 West Market Street  
Akron, Ohio 44313  
Attention: Duane LaClair

and to:

Ohio EPA  
Division of Air Pollution Control  
P.O. Box 1049  
Columbus, Ohio 43216-1049  
Attn: Jim Kavalec, Manager  
Compliance and Enforcement Section

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

### **XI. RESERVATION OF RIGHTS**

Ohio EPA and Respondent each reserve all rights, privileges and causes of action, except as specifically waived in Section XII of these Orders.

### **XII. WAIVER**

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Respondent consents to the issuance of these Orders and agree to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the violations specifically cited herein.

Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders and Respondent hereby waives any and all rights Respondents may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

### **XIII. EFFECTIVE DATE**

The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

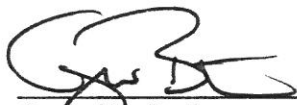


**XIV. SIGNATORY AUTHORITY**

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

**ORDERED AND AGREED:**

**Ohio Environmental Protection Agency**

  
\_\_\_\_\_  
Craig W. Butler  
Director

12/23/16  
Date

**AGREED:**

**Shalersville Asphalt Co.**

  
\_\_\_\_\_  
Signature

12/14/16  
Date

David W Romyak President  
Printed or Typed Name