



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

February 8, 2017

CERTIFIED MAIL

Kevin Steward
Westfall Aggregate and
Materials, Inc.
6790 Brooks-Miller Road
Circleville, Ohio 43113

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

Dear Mr. Steward:

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,

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

ec: James Lee, PIC
John Paulian, DAPC
Brandon Schwendeman, DAPC
Lee Tullis, DAPC
Steve Feldmann, Legal
Kelly Toth, CDO
Ben Halton, CDO

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.

By: Kelly M...

Date: 2-8-17

BEFORE THE

OHIO ENVIRONMENTAL PROTECTION AGENCY

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In the Matter of:

Westfall Aggregate and Materials, Inc.
6790 Brooks-Miller Road
Circleville, Ohio 43113

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Director's Final Findings and Orders

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Westfall Aggregate and Materials, Inc., ("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 Respondents or of the facilities (as hereinafter defined) shall in any way alter Respondents 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#0165010135) located at 6790 Brooks-Miller Road, in Circleville, Ohio (Pickaway County). At this facility, among many other emissions units, Respondent operates emissions unit ("EU") P901, which is a 300 TPH drum mix asphalt plant. EU P901 was installed in 2005 and began operation in 2005. The federally enforceable permit to install and operate ("FEPTIO") P0104653, which contains EU P901, was issued on July 9, 2009.
2. The terms and conditions of FEPTIO P0104653 establish that the particulate emissions ("PE") from the stack serving EU P901 shall not exceed the limit of 0.03 gr/dscf.
3. ORC § 3704.05(C) states, in part, that no person who is a holder of a permit

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issued under ORC § 3704.03(F) or (G) shall violate any of its terms or conditions.

4. On July 30 and 31, 2015, Respondent performed a compliance emissions test on EU P901. The emissions test report submitted on September 14, 2015 by Respondent identified that the average measured PE rate was 0.05 gr/dscf. Since the average measured rate exceeded the PE limit of 0.3 gr/dscf, Respondent was in violation of the terms and conditions of FEPTIO P0104653 and ORC § 3704.05(C).

5. On October 8, 2015, Ohio EPA, Central District Office ("CDO") sent a notice of violation ("NOV") letter to Respondent for the violation of the terms and conditions of FEPTIO P0104653 and ORC § 3704.05(C).

6. By letter dated December 2, 2015, Respondent responded to CDO's October 8, 2015 NOV letter. In this letter, Respondent requested that an emission stack test on EU P901 to be scheduled within sixty (60) days of start-up of the 2016 season which typically goes from April through November of each year.

7. In June of 2016, Respondent conducted the required emission stack test for EU P901 and passed successfully.

8. 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. Pursuant to ORC Chapter 3704, Respondent is assessed a civil penalty of six thousand dollars (\$6,000) in settlement of Ohio EPA's claims for civil penalties. Respondent shall pay to Ohio EPA the amount of six thousand dollars (\$6,000) pursuant to the following schedule:

- two thousand dollars (\$2,000) due by February 1, 2017;
- two thousand dollars (\$2,000) due by March 1, 2017; and
- two thousand dollars (\$2,000) due by April 1, 2017.

Payments to Ohio EPA shall be made by an official checks made payable to "Treasurer, State of Ohio" (split to Funds 6960 and 6A10). The official checks shall be submitted to Carol Butler, or her successor, together with a letter identifying Respondent, 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:

Ohio EPA
Central District Office
Air Pollution Control Division
P.O. Box 1049
Columbus, Ohio 43216-1049
Attention: Benjamin Halton

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

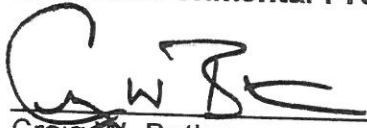
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

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

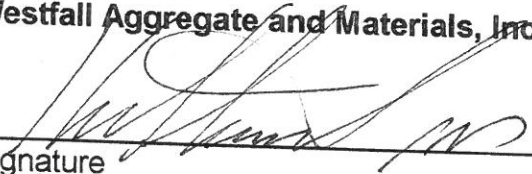


Craig W. Butler
Director

2/8/17
Date

AGREED:

Westfall Aggregate and Materials, Inc.



Signature
KEVIN STEUANS
Printed or Typed Name

1-26-17
Date