



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

June 20, 2017

CERTIFIED MAIL

Gary Bradler
Owner
Osborne Concrete & Stone Co.
P.O. Box 249
1 Williams Street
Grand River, Ohio 44045

Re: Final Findings and Orders for air pollution
violations

and

Grand River Asphalt Co.
6 Coast Guard Road
P.O. Box 249
Grand River, Ohio 44045

Dear Mr. Bradler:

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 blue ink, appearing to read "James Kavalec", is written over a blue ink scribble.

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

ec: James Lee, PIC
Kara Philibin, DAPC
Lee Tullis, DAPC
John Paulian, DAPC
Steve Feldmann, Legal
Tim Fischer, NEDO

IV. FINDINGS

The Director of Ohio EPA makes the following findings:

1. Mr. Gary Bradler with mailing address of P.O. Box 249, Grand River, Ohio, Lake County is the owner of Respondent GRAC, which is an asphalt plant (Facility ID#0243000491) located at 6 Coast Guard Road, in Grand River, Ohio (Lake County). In addition, Mr. Gary Bradler owns Respondent Osborne, which is a concrete plant (Facility ID# 0243030583) located at 1 Williams Street, in Grand River, Ohio (Lake County).
2. ORC § 3704.05(A) prohibits any person from allowing any emission from any source in excess of that permitted in any rule adopted by the Director of Ohio EPA.
3. 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.
4. ORC § 3704.05(D) states, in part, that no person shall fail to install and maintain monitoring devices or to submit reports or other information as may be required under division (I) of ORC § 3704.03.
5. OAC Rule 3745-15-03(A) requires, in part, the owner or owner of an air contaminant source to keep and to periodically submit records and reports, including but not limited to, information on air contaminants, emissions or fuel from any or all potential sources for purposes of maintaining an air pollution emission inventory or any reasonable purpose as determined by the Director of Ohio EPA.

Osborne Concrete & Stone Co.:

6. At this facility, Respondent Osborne operates emissions unit ("EU") F001 (Concrete Batch Mixing Plant), EU F002 (Aggregate Storage piles), EU F003 (Unpaved Roadways and Parking Areas), EU F004 (Concrete Batching Plant), EU P901 (Asphalt Batch Plant), and EU P902 (Portable Concrete Crusher/Recycler). The permit to install and operate ("PTIO") P0109516, which contains EU F001, was issued on February 22, 2012. PTIO P0110150, which contains F002, F003 and F004, was issued on June 6, 2012. The federally enforceable permit to install and operate ("FEPTIO") P0105947, which contains P901, was issued on May 31, 2012. PTIO P0114881, which contains P902, was issued on June 10, 2013.
7. OAC Rule 3745-15-04(A) states that the Director of Ohio EPA may require any persons responsible for emission of air contaminants to make or have made tests to determine the emission of air contaminants from any source.
8. Title 40 of the Code of Federal Regulations ("CFR") Part 60 for New Source Performance Review ("NSPS") Subpart OOO states that "within 60 days after achieving the maximum production rate at which the facility will be operated, but not later than 180 days

after initial startup of such facility, the owner or operator of such facility shall conduct performance test(s) and furnish the Administrator a written report of the results of such performance test(s).”

9. FEPTIO P0105947 Part C.1.f(2)d & g(1) requires Respondent Osborne to conduct burner tuning on EU P901 in the manner specified in the permit and submit the completed burner tuning form to Ohio EPA.

10. PTIO P0114881 Part C.1.f(2)-(9) requires Respondent Osborne to conduct the emission testing for EU P902 within 60 days after achieving the maximum production rate, but not later than 180 days after the initial startup.

11. OAC Rule 3745-15-03(C)(1)(a) requires, in part, the owner or operator to submit a quarterly report of the following: any deviations from emission limitations, operational restrictions, and control device operating parameter limitations that have been detected by the testing, monitoring and recordkeeping required in such permit.

12. On August 23, 2016, Ohio EPA, Northeast District Office (“NEDO”) conducted an inspection of Respondent Osborne’s facility. During this inspection, NEDO documented that Respondent Osborne had: (1) failed to submit a burner tuning form for P901, in violation of OAC Rule 3745-15-03(A), FEPTIO P0105947 Part C.1.f(2) and ORC § 3704.05(A); (2) failed to conduct the required performance test for EU P902, in violation of 40 CFR Part 60, Subpart OOO, OAC Rule 3745-15-04(A), PTIO P0114881 Part C.1.f(2)-(9), and ORC § 3704.05(C); (3) failed to maintain records for EUs F001, F002, F003, F004, P901 and P902, in violation of ORC § 3704.05(C) and the terms and conditions of PTIO P0109516, PTIO P0110150, FEPTIO P0105947, and PTIO P0114881, respectively; (4) failed to submit the quarterly deviation reports for EU P901 from the 2nd quarter of 2012 through the 2nd quarter of 2016, in violation of OAC Rule 3745-15-03(C)(1)(a), the terms and conditions of FEPTIO P0105947, Part C.1.f(2), and ORC § 3704.05(D); and (5) failed to submit the annual Permit Evaluation Reports (“PERs”) for all permitted emissions units, in violation of OAC Rule 3745-15-03(D) and ORC § 3704.05(C).

13. On September 9, 2016, NEDO sent a notice of violation (“NOV”) letter to Respondent Osborne for the violations that were documented during the August 23, 2016 inspection.

14. Between September and November of 2016, Respondent Osborne had rectified all the violations cited in the September 9, 2016 NOV letter.

Grand River Asphalt Co.:

15. At this facility, Respondent GRAC operates EU F001 (Unpaved Roadways and Parking Areas), EU F002 (Aggregate Storage piles), EU P903 (125 tons per hour Pegson 428 Trackpactor Portable Asphalt Crusher), and EU P904 (350 tons per hour Hot Mix Asphalt Plant). PTIO P0111489, which contains EU F001 and F002, was issued on October 18, 2012. PTIO P0107540, which contains P904, was issued on June 16, 2011. In addition, Permit-By-Rule #10912, effective June 18, 2013, has specific requirements for EU P903.

16. OAC Rule 3745-31-03(C)(2)(c)ii and Permit-By-Rule #10912 requires, in part, the owner or operator of a Portable Asphalt Crusher to perform daily recordkeeping of the quantities of water applied during crushing operations and the operating hours of the crushing equipment.

17. Part C.1.d and Part C.2.d of PTIO P0111489 requires Respondent GRAC to perform daily recordkeeping for EUs F001 and F002.

18. Part C.1.f)(2)d.vi of PTIO P0107540 requires Respondent GRAC to conduct burner tuning three times for each production season for EU P904 and submit burner tuning forms to Ohio EPA.

19. Part C.1.e)(1) of PTIO P0107540 requires Respondent GRAC to submit quarterly deviation reports by required deadlines for EU P904 to Ohio EPA.

20. Part C.1.d.1(b)-(d) of PTIO P0107540 requires Respondent GRAC to perform monthly recordkeeping of the rolling, 12-month summation of the total asphalt production, monthly recordkeeping of the rolling, 12-month summation of the particulate emissions ("PE"), emissions of particulate matter less than 10 micron ("PM₁₀"), carbon monoxide ("CO"), nitrogen oxides ("NO_x"), sulfur dioxide ("SO₂") and volatile organic compound ("VOC"), and the monthly recordkeeping of the maximum percentage of reclaimed asphalt product ("RAP") used for any mix type for EU P904.

21. On August 23, 2016, NEDO conducted an inspection of Respondent GRAC's facility. During this inspection, NEDO documented that Respondent GRAC had: (1) failed to maintain daily records for EUs F001 and F002, in violation of PTIO P0111489 Part C.1.d and Part C.2.d, and ORC § 3704.05(C); (2) failed to maintain daily records of the quantities of water applied during crushing operation and operating hours of the crushing equipment for EU P903, in violation of OAC Rule 3745-31-03(C)(2)(c)ii and ORC § 3704.05(C); (3) failed to maintain monthly records of the rolling, 12-month summation of the total asphalt production, monthly records of the rolling, 12-month summation of the PE, PM₁₀, CO, NO_x, SO₂ and VOC, and the monthly records of the maximum percentage of RAP used for any mix type for EU P904, in violation of Part C.1.d.1(b)-(d) of PTIO P0107540, and ORC § 3704.05(C); (4) failed to conduct burner tuning three times each production season and to submit burner tuning forms for EU P904, in violation of OAC Rule 3745-15-03(A), the terms and conditions of PTIO P0107540 Part C.1.f)(2)d.vi, and ORC § 3704.05(C); and (5) failed to submit quarterly

deviation reports for EU P904 since permit issuance (6/16/2011), in violation of PTIO P0107540 Part C.1.e)(1), OAC Rule 3745-15-03(C)(1)(a), and ORC § 3704.05(D).

22. On September 12, 2016, NEDO sent a NOV letter to Respondent GRAC for the violations that were documented during the August 23, 2016 inspection.

23. Between September and November of 2016, Respondent GRAC had rectified all the violations cited in the September 9, 2016 NOV.

24. 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. Respondents shall pay the amount of twenty-eight thousand seven hundred and fifty dollars (\$28,750) 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 twenty-eight thousand seven hundred and fifty dollars (\$28,750) 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

Respondents' obligations under these Orders shall terminate upon Ohio EPA's receipt of the official check 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 Respondents.

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 Respondents.

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
Northeast District Office
Division of Air Pollution Control
2110 East Aurora Road
Twinsburg, Ohio 44087-1924
Attention: Tim Fischer

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 Respondents 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, Respondents consent 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 Respondents' liability for the violations specifically cited herein.

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

Notwithstanding the preceding, Ohio EPA and Respondents agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondents retain the right to intervene and participate in such appeal. In such an event, Respondents 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

6/20/17

Date

AGREED:

Osborne Concrete & Stone Co.



Signature

Gary D. Bradler

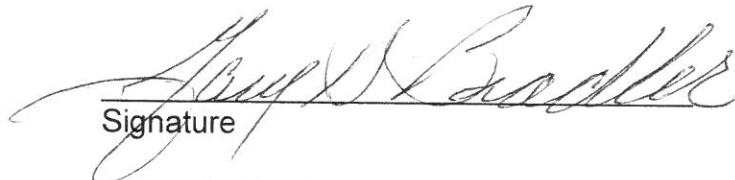
Printed or Typed Name

June 5, 2017

Date

Date

Grand River Asphalt Co.



Signature

Gary D. Bradler

Printed or Typed Name

June 5, 2017

Date

Date