



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

June 23, 2017

CERTIFIED MAIL

Mr. Douglas A. Woodhall
Vice President
Central Allied Enterprises, Inc.
DbA Ohio Tar and Asphalt
2905 Columbus Road NE
Canton, Ohio 44705

Re: Final Findings and Orders for air pollution
violations

Dear Mr. Woodhall:

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

cc: James Lee, PIC
Kara Philibin, DAPC
Lee Tullis, DAPC
John Paulian, DAPC
Don Vanterpool, Legal
Terri Dzienis, Canton

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Central Allied Enterprises, Inc.
Dba, Ohio Tar and Asphalt
2905 Columbus Road NE
Canton, Ohio 44705

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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: John Gasser Date: 6/23/17

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Central Allied Enterprises, Inc., dba Ohio Tar and Asphalt ("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 ("the facility") located at 2905 Columbus Road NE, Canton, Stark County, Ohio (facility ID: 1576000028). This facility is a Synthetic Minor Source as defined in Ohio Administrative Code ("OAC") Rule 3745-77-01(MM).
2. The following emissions units ("EUs") at the facility are the subject of these Orders and are subject to Ohio EPA rules and regulations.

EUs ID	Company Description	Date Installed
F001	Paved and unpaved roadways and parking areas	01/01/1960
P902	Batch hot mix asphalt plant with cyclone and scrubber	01/01/1960
P904	Drum mix asphalt plant with baghouse	01/01/1985

3. ORC § 3704.05(C) prohibits any person who is a holder of a permit issued by the Director of Ohio EPA pursuant to ORC § 3704.03 from violating any of its terms and conditions.

4. ORC 3704.05(G) prohibits a person from violating any order, rule, or determination of the Director that was issued, adopted, or made under ORC Chapter 3704.

5. OAC Rule 3745-17-07(B)(4) states that there shall be no visible particulate emissions ("PE") from any paved roadways or parking area except for a period of time not to exceed six minutes in any sixty-minute observation period.

6. OAC Rule 3745-17-08(B), requires the use of reasonably available control measures ("RACM") to prevent fugitive dust from becoming airborne. RACM includes, as appropriate, the application of dust suppressant on unpaved roadways (OAC Rule 3745-17-08(B)(2)), the covering, at all times, of open bodied vehicles when transporting materials likely to become airborne (OAC Rule 3745-17-08(B)(7)), paving of roadways and the maintaining of roadways in a clean condition (OAC Rule 3745-17-08(B)(8)), and the prompt removal of earth or other material from paved streets to minimize or prevent re-suspension (OAC Rule 3745-17-08(B)(9)).

7. The Standards of Performance for New Stationary Sources: Hot Mix Asphalt Facilities (40 CFR Part 60, Subpart I) requires, in part, the owner or operator of an affected facility to limit the particulate matter ("PM") emissions to not more than 0.04 grains per dry standard cubic feet ("gr/dscf").

8. Respondent's permit-to-install and operate ("PTIO") P0100918 includes the terms and conditions for EUs P902 and P904, while PTIO P0119725 includes the terms and conditions for EU F001.

9. EU P904 is subject to 40 CFR Part 60, Subpart I and its requirements are incorporated in PTIO P0100918 for the facility.

10. The Canton City Health Department, Air Pollution Control Division ("Canton APC") is a contractual agent for Ohio EPA's Division of Air Pollution Control in Stark County.

EU P904 Violations

11. PTIO P0100918 requires Respondent, in part, to comply with the following limits for EU P904: 0.04 gr/dscf for PM and 1.16 pounds per hour ("lb/hr") for SO₂ when burning natural gas.

12. On October 3, 2016, Respondent conducted a compliance performance test for PM and SO₂ emissions from the stack of the baghouse controlling EU P904. The results received on October 20, 2016 showed that PM was emitted at an average rate of 0.15 gr/dscf compared to the allowable 0.04 gr/dscf emission rate, in violation of 40 CFR Part 60, Subpart I, the terms and conditions of Respondent's PTIO P0100918, and ORC § 3704.05 (C). Moreover, SO₂ was emitted at an average rate of 3.31 lbs/hr compared to the allowable emission rate of 1.16 lbs/hr, in violation of the terms and conditions of Respondent's PTIO P0100918, and ORC § 3704.05 (C).

13. On November 7, 2016, Canton APC sent a NOV letter to Respondent for exceeding PM and SO₂ limits for EU P904 and requested Respondent submit a plan and schedule for achieving compliance.

14. On December 2, 2016, Canton APC received Respondent's response to the NOV. Respondent discover that three bags had broken loose and had fallen to the bottom of the baghouse which Respondent claims resulted in the PM emissions violation. Respondent replaced these broken bags and performed burner tuning on EU P904.

15. On November 15, 2016, Respondent conducted a retest to demonstrate compliance of PM and SO₂ emissions from the stack of the baghouse controlling EU P904. The results received on December 30, 2016, showed that EU P904 passed for both PM and SO₂.

EU P902 Violations

16. PTIO P0100918 requires Respondent, in part, to comply with a limit of 13.23 lb/hr PM for EU P902.

17. On November 16, 2016, Respondent conducted a compliance performance test for PM emissions from the stack of the scrubber controlling EU P902. The results received on December 30, 2016, showed that PM was emitted at an average rate of 30.60 lb/hr compared to the allowable 13.23 lb/hr emission rate, in violation of the terms and conditions of Respondent's PTIO P0100918, and ORC § 3704.05 (C).

18. On January 10, 2017, Canton APC sent a NOV letter to Respondent for exceeding PM limit for EU P902 and requested Respondent submit a plan and schedule for achieving compliance.

19. On January 23, 2017, Canton APC received Respondent's Response to the NOV. Respondent stated that the facility was shut down since it operates on a seasonal basis and the 2017 season starts in the spring. Respondent's corrective measures included completing the following items before the start of 2017 season:

- Inspection the ductwork and make repairs as needed;
- Inspection the cyclone control equipment and make repairs as needed;
- Inspection the wet scrubber and make repairs as needed;
- Inspect scrubber's water spray nozzles and make repairs as needed;
- Inspect the fan and make repairs as needed;
- Inspect the scrubber stack for structural integrity and make repairs as needed;
- Installation of a pressure gage for the scrubbers feed water;
- Complete a burner adjustment and tuning; and
- Schedule a retest to demonstrate compliance.

20. On April 21, 2017, Respondent submitted an Intent to Test Form for EU P902. The form indicates that a compliance test will be conducted on May 25, 2017.

21. 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. Within thirty (30) days after the effective date of these Orders, Respondent shall demonstrate compliance with the emissions limitations established in PTIO P0100918 for EU P902.

2. Respondent shall pay the amount of forty thousand dollars (\$40,000) 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 thousand dollars (\$40,000). The official check shall be submitted to Carol Butler, or her successor, together with a letter identifying the 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 when Respondent certifies in writing and demonstrates to the satisfaction of Ohio EPA that Respondent has performed all obligations under these Orders, these obligations have been embedded in operation permits, and the Chief of Ohio EPA's Division of Air Pollution Control acknowledges, in writing, the termination of these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondent of the obligations that have not been performed, in which case Respondent shall have an opportunity to address any such deficiencies and seek termination as described above.

The certification shall contain the following attestation: "I certify that the information contained in or accompanying this certification is true, accurate and complete."

This certification shall be submitted by Respondent to Ohio EPA and shall be signed by a responsible official of Respondent. For purposes of these Orders, a responsible official is as defined in OAC Rule 3745-33-03(F)(1) for a corporation, or a corporate officer who is in charge of a principal business function of Respondent.

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 Respondent pursuant to these Orders shall be addressed to:

Canton City Health Department
Air Pollution Control Division
420 Market Avenue North
Canton, Ohio 44702-1544
Attention: Terri Dzienis

and to:

Ohio EPA
Division of Air Pollution Control
P.O. Box 1049
Columbus, Ohio 43216-1049
Attention: 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 agrees 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 Respondent 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

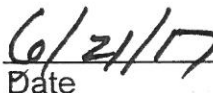
Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

ORDERED AND AGREED:

Ohio Environmental Protection Agency



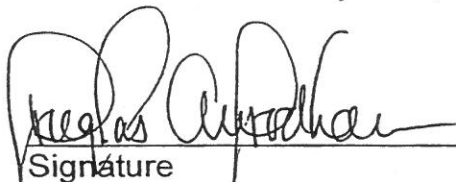
Craig W. Butler
Director



Date

AGREED:

Central Allied Enterprises, Inc., dba Ohio Tar and Asphalt



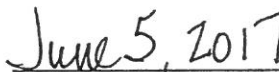
Signature

Douglas A. Woodhall

Printed or Typed Name

Vice President

Title



Date

