

Air Pollution Control Division



APC Contractual Representative
Serving All of Stark County

Canton City Health Department

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James M. Adams, RS, MPH
Health Commissioner

Daniel J. Aleman, PE
APCD Administrator

CERTIFIED MAIL

April 14, 2010

Mr. Don Schnackel
Akron Iron and Metal, LLC
PO Box 607
Green, OH 44232

Mr. James Jeffries
The Joseph A. Jeffries Company
5211 Louisville St NE
Louisville, OH 44646

**Re: 1) Violations of Ohio Administrative Code 3745-17-08, Restrictions of emission of fugitive dust
2) Possible violation of OAC rule 3745-31-03 (requirement for a permit)**

Dear Mr. Schnackel and Mr. Jeffries,

On multiple occasions, this inspector observed and documented generation of fugitive particles in the form of orange smoke resulting from burning operations of steel conducted by the Akron Iron and Metal Company on the site of the Jeffries Slag Sales site at 1451 Trump Road..

The following is a synopsis of the events:

- | | | |
|---|----------|--|
| 1 | 09/03/08 | Orange smoke observed by Canton APC field inspector. |
| 2 | 11/21/08 | Field inspector on site and advised facility that controls probably necessary and advised facility to contact Pat Petrella of this office. |
| 3 | 04/30/09 | Orange smoke observed and photographed by Canton APC engineer. |
| 4 | 07/30/09 | Orange smoke observed and photographed by Canton APC engineer. |
| 5 | 07/31/09 | APC Engineer was on the site and spoke with Mr. Marvin Crouch, the Vice President of Operations. Mr. Crouch explained that the orange smoke was generated when they cut "molds" or "skuli". Mr. Crouch agreed to switch to the use of mechanical means to break up these two types of materials. |
| 6 | 08/04/09 | This Agency issued a memo of understanding to Akron Iron & Metal reaffirming Akron Iron & Metal's actions to resolve the orange smoke problems. |
| 7 | 10/05/09 | Orange smoke observed and photographed by Canton APC engineer. |
| 8 | 11/06/09 | Orange smoke observed and photographed by Canton APC engineer. |
| 9 | 11/09/09 | Orange smoke observed and photographed by Canton APC engineer. |

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|----|----------|--|
| 10 | 11/16/09 | Orange smoke observed and photographed by Canton APC engineer. |
| 11 | 12/17/09 | Orange smoke observed and photographed by Canton APC engineer. |
| 12 | 01/20/10 | Orange smoke observed and photographed by Canton APC engineer. |
| 13 | 02/08/10 | Orange smoke observed and photographed by Canton APC engineer. |

Photographs and the Canton APC memo of 08/04/09 are attached.

Finding #1:

The observed occurrence of this smoke noted above from the Akron Iron & Metal Company located on the property of the Joseph A. Jeffries Company is a violation of Ohio Administrative Code (OAC) Rule 3745-17-08.

OAC Rule 3745-17-08 (B) states:

No person shall cause or permit any fugitive dust source to be operated; or any materials to be handled, transported, or stored; or a building or its appurtenances or a road to be used, constructed, altered, repaired, or demolished without taking or installing reasonably available control measures to prevent fugitive dust from becoming airborne.

Such reasonably available control measures shall include, but not be limited to, one or more of the following which are appropriate to minimize or eliminate visible particulate emissions of fugitive dust:

(1) The use of water or other suitable dust suppression chemicals for the control of fugitive dust from the demolition of existing buildings or structures, construction operations, the grading of roads or the clearing of land;

(2) The periodic application of asphalt, oil (excluding any used oil as defined in paragraph (A)(12) of rule 3745-279-01 of the Administrative Code), water, or other suitable dust suppression chemicals on dirt or gravel roads and parking lots, and other surfaces which can cause emissions of fugitive dust;

(3) The installation and use of hoods, fans, and other equipment to adequately enclose, contain, capture, vent and control the fugitive dust.

Finding #2:

The generation of this smoke from the Akron Iron & Metal Company located on the property of the Joseph A. Jeffries Company may be subject to Ohio Administrative Code (OAC) Rule 3745-31-02.

The applicable portion of OAC Rule 3745-31-02 (A) states:

(1) Except as provided in rule 3745-31-03 of the Administrative Code, no person shall cause, permit, or allow the:

(b) Installation or modification, and subsequent operation of any new source that is not part of a facility, as defined in Chapter 3745-77 of the Administrative Code, and that is not required to obtain a Title V permit under Chapter 3745-77 of the Administrative Code, without first obtaining a PTIO from the director; ...

There will not be a violation of this rule and the required Permit To Install and Operate (PTIO) if Akron Iron & Metal can demonstrate that their operation qualifies as a DeMinimis operation under OAC Rule 3745-15-05. To do this, Akron Iron & Metal must submit credible evidence that the potential to emit particulate matter is less than ten pounds per day. Alternatively, Akron Iron & Metal may submit credible evidence that their actual emissions do not exceed ten pounds per day. If this option is chosen, then daily records must be kept to show that the actual emissions do not exceed ten pounds on any one day.

The Ohio EPA has established the Office of Compliance Assistance and Pollution Prevention to help small businesses that do not have internal resources to readily prepare permit to install applications or determine DeMinimis calculations. More information can be found at <http://www.epa.ohio.gov/ocapp/about.aspx> and your local contact is Ms. Adrienne LaFavre, at the Ohio EPA Northeast District Office in Twinsburg, (330) 963-1250.

Requested Actions:

1. Akron Iron & Metal will submit to this Agency, not later than fourteen days after the receipt of this letter, a Compliance Plan that details the proposed control measures to eliminate or minimize the generation of orange smoke as required under OAC rule 3745-17-08.
2. Akron Iron & Metal will provide this Agency within thirty days of receipt of this letter, a demonstration of DeMinimis status or application for a Permit to Install and Operate for the torch-cutting operation.

Please note that Akron Iron & Metal's fulfillment of the above requested actions does not constitute a waiver of Ohio EPA's authority to seek civil penalties as provided in the Ohio Revised Code ("ORC") 3704.06. The determination to pursue such penalties in this matter will be made at a later date.

Mr. Don Schnackel and Mr. James Jeffries
April 14, 2010
Page 4 of 4

Should you have any questions regarding this letter or the situation that prompted this action, please contact this Agency at (330) 489-3385.

Sincerely,



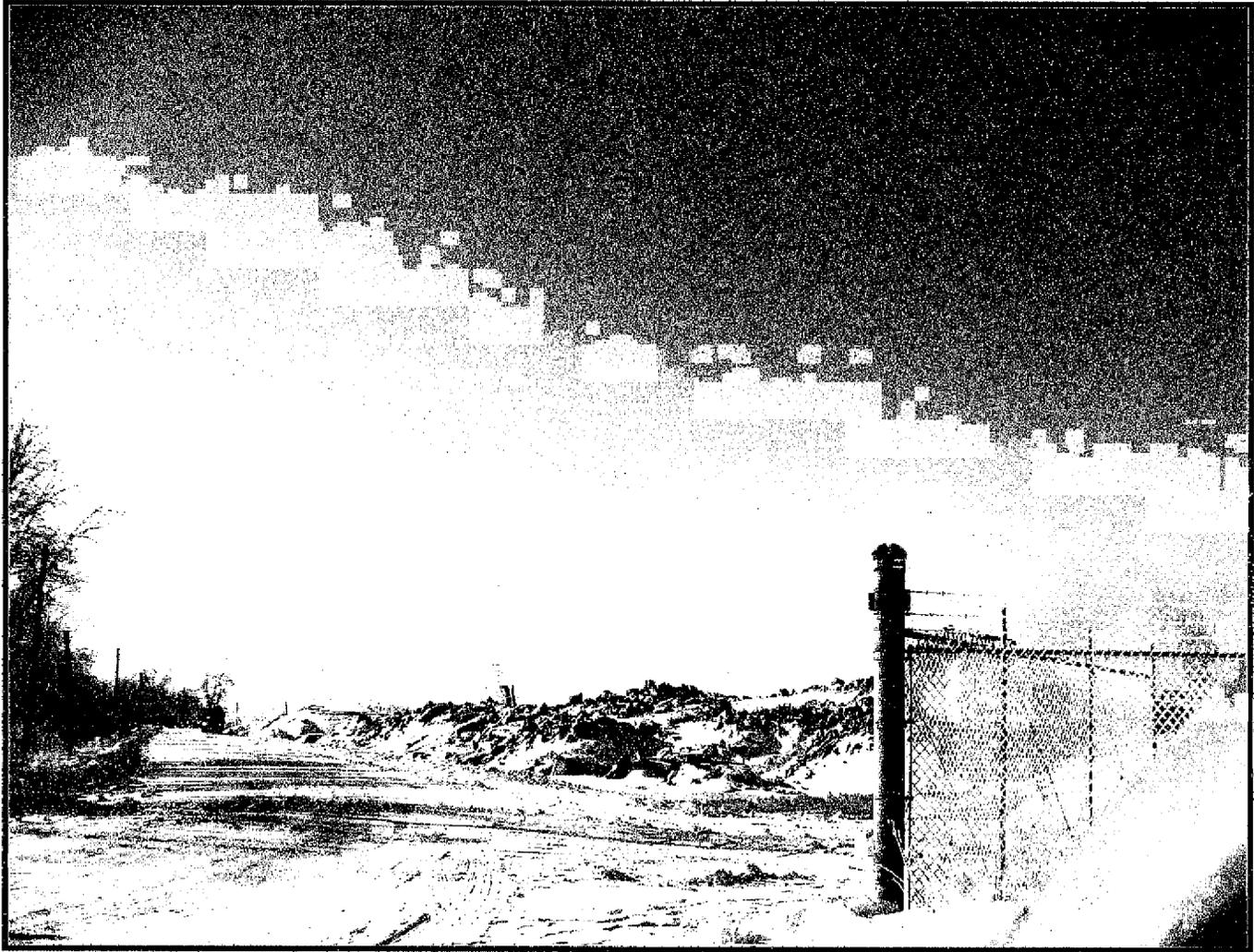
Gregory A. Clark, CHMM, CAHES
Air Pollution Control Engineer

pc: Tom Kalman, Ohio EPA, Ohio EPA, DAPC
Lisa Holscher, USEPA, Region V
Adrienne LaFavre, Ohio EPA-NEDO, 2110 East Aurora Road, Twinsburg, Ohio 44087
Marvin Crouch, Akron Iron and Metal LLC, PO Box 607, Green, OH 44709
Addressees via First Class Mail
Correspondence

Attachments:

Photographs

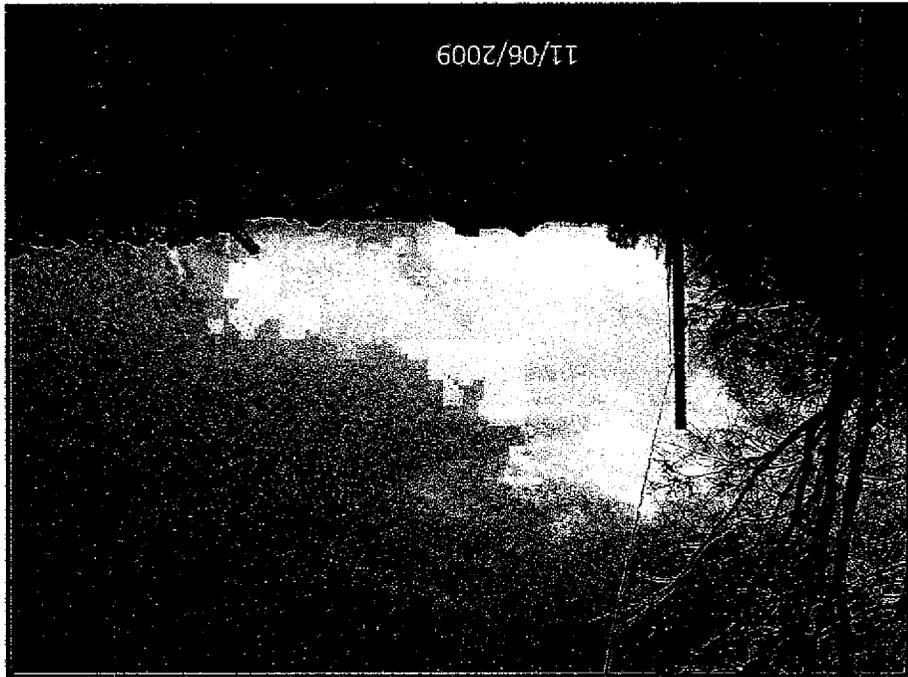
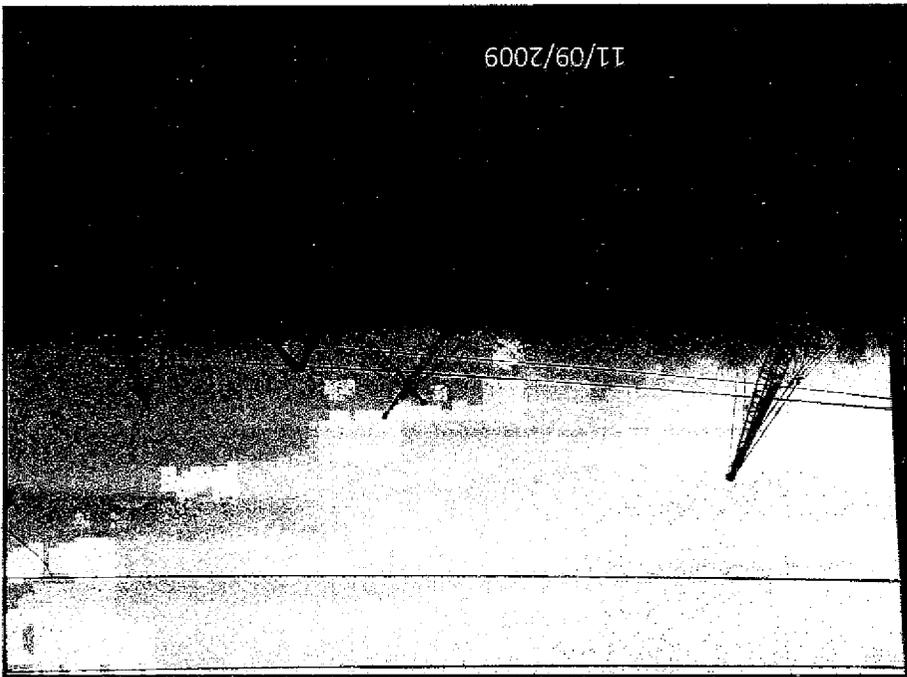
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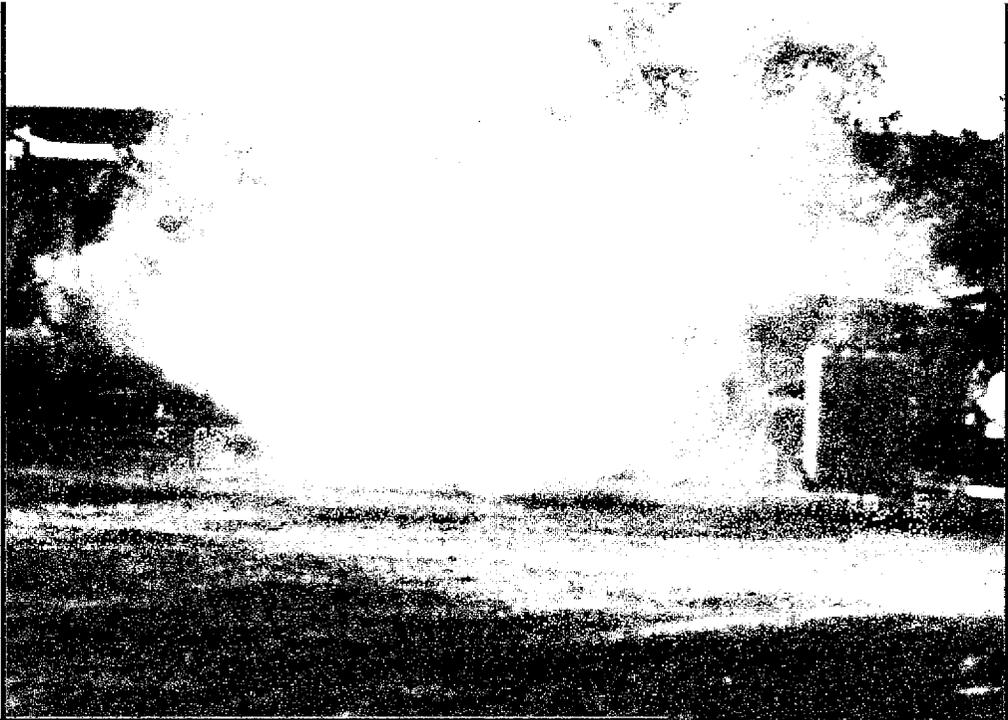


Akron Iron and Metal, 1451 Trump Road. Smoke from burning scrap metal. 02/08/2010 G.A. Clark

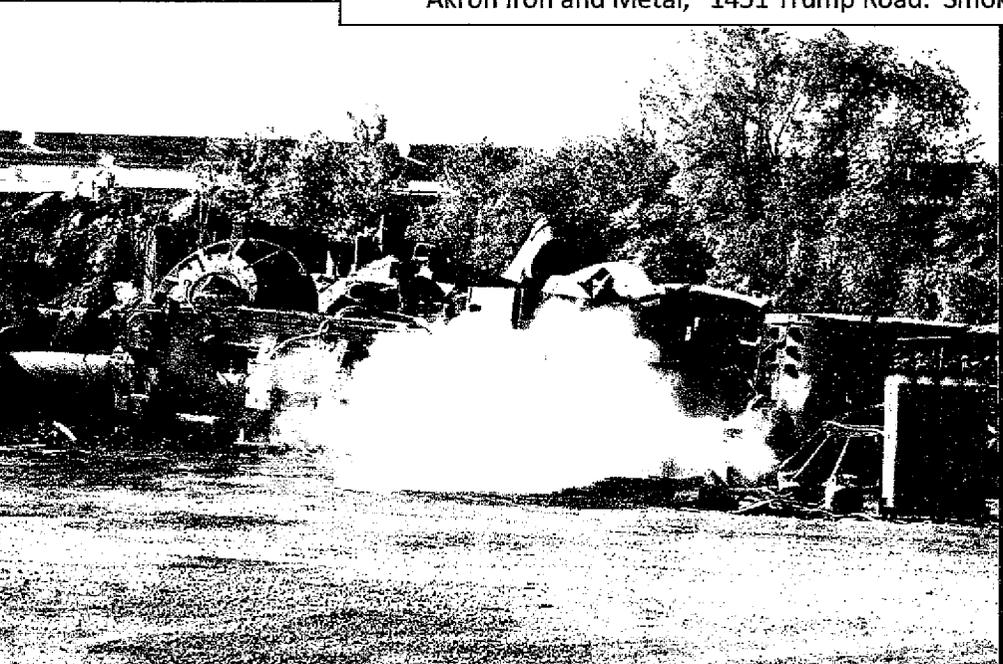


Akron Iron and Metal, 1451 Trump Road. Smoke from burning scrap metal. G.A. Clark

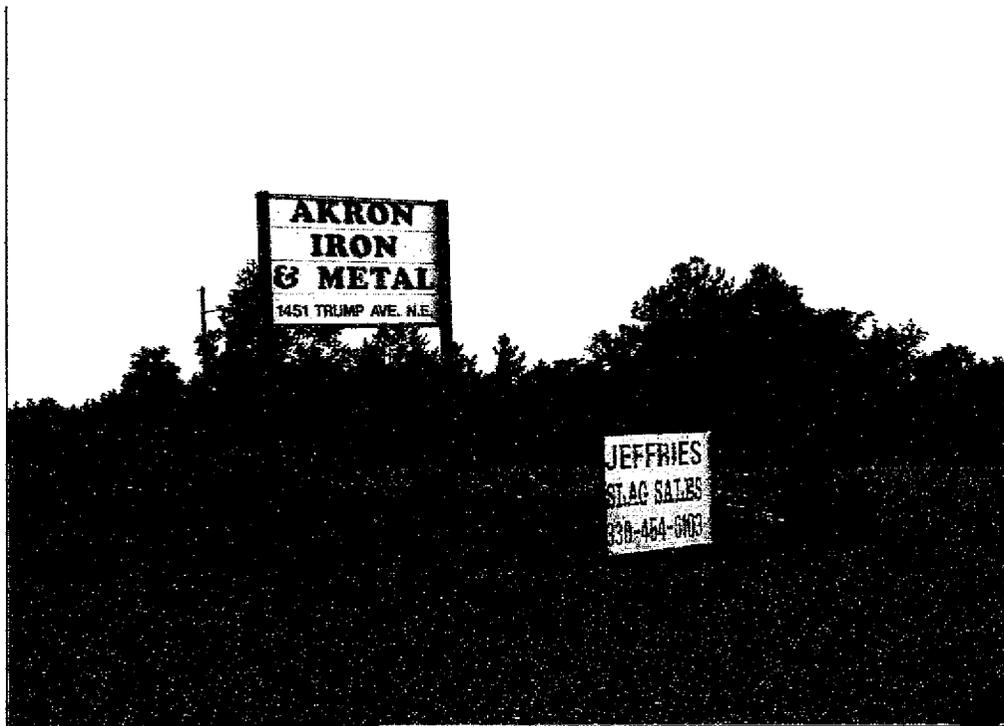




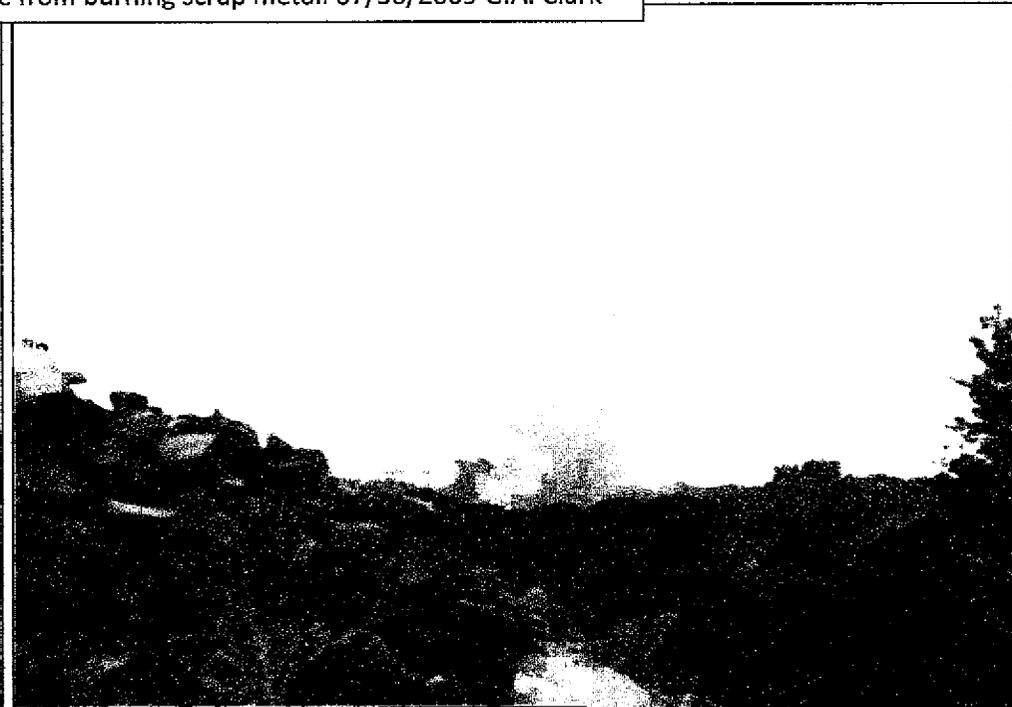
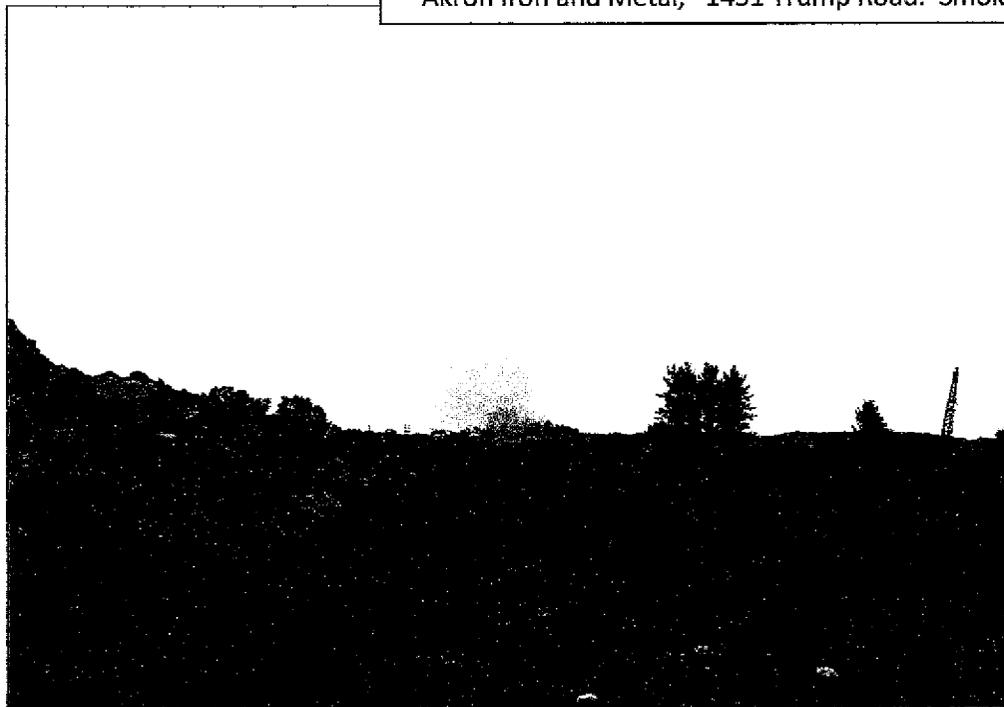
Akron Iron and Metal, 1451 Trump Road. Smoke from burning scrap metal. 10/05/09 G.A. Clark

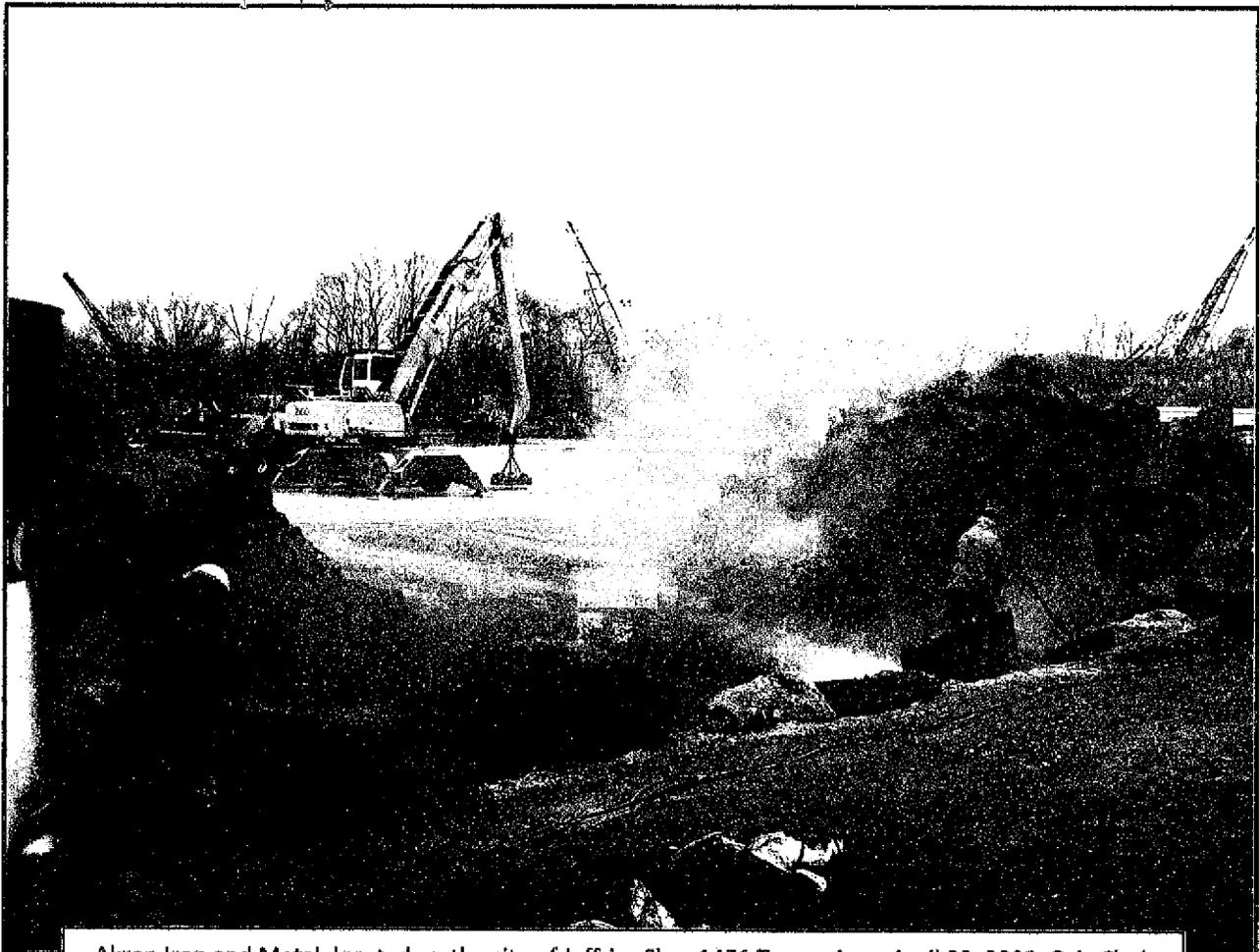


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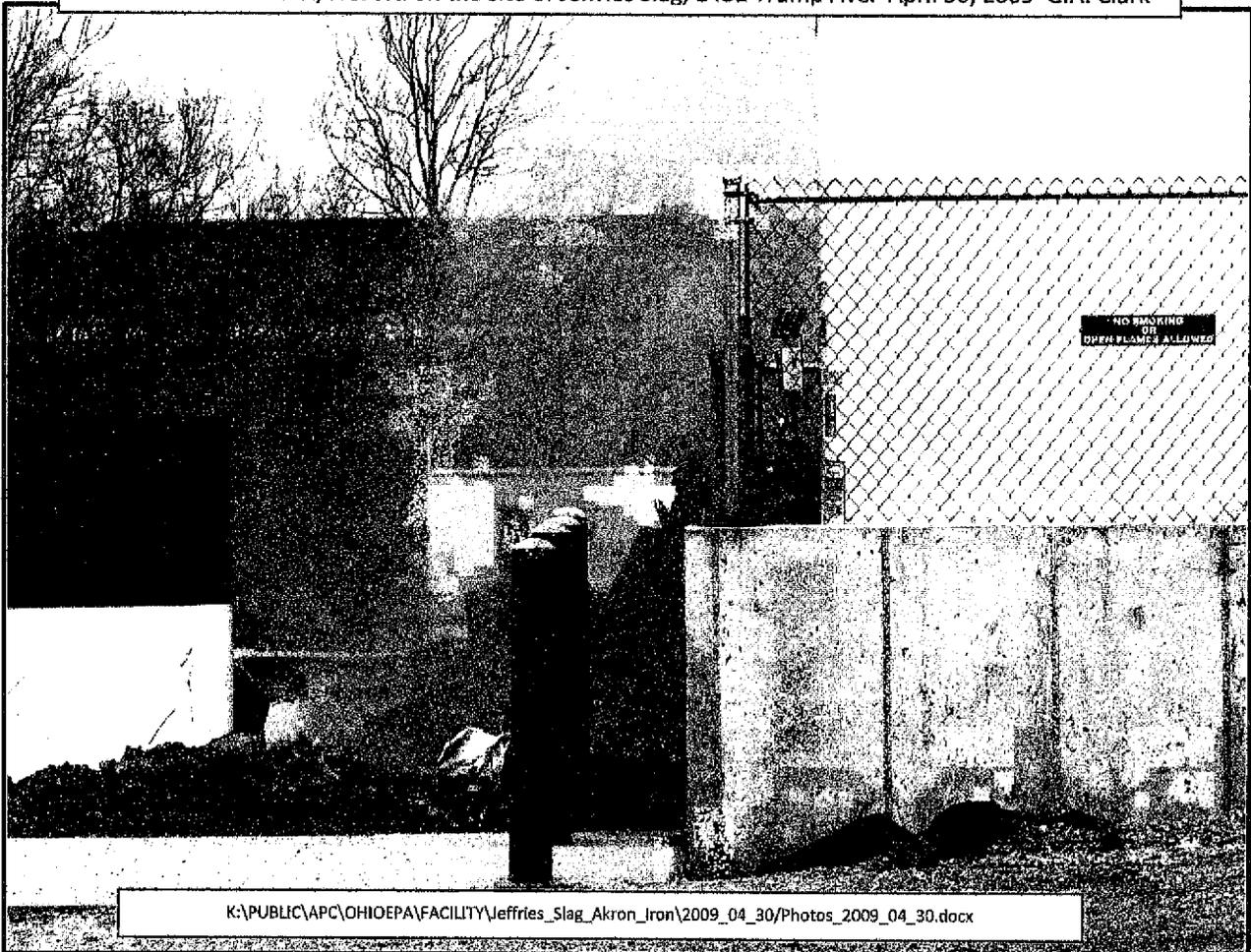


Akron Iron and Metal, 1451 Trump Road. Smoke from burning scrap metal. 07/30/2009 G.A. Clark





Akron Iron and Metal, located on the site of Jeffries Slag, 1451 Trump Ave. April 30, 2009 G.A. Clark



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 City, State, ZIP+4 **LOUISVILLE, OH 44646**

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- Print your name and address on the reverse so that we can return the card to you.
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 THE JOSEPH A. JEFFRIES COMPANY
 5211 LOUISVILLE STREET NE
 LOUISVILLE, OH 44646

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 X *Michael Jeffries* Agent Addressee

B. Received by (Printed Name) **MICHAEL JEFFRIES** C. Date of Delivery **4.15.10**

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 If YES, enter delivery address below: No

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Sent To
MR. DON SCHNACKEL/AKRON IRON AND METAL
 Street, Apt. No., or PO Box No. **PO BOX 607**
 City, State, ZIP+4 **GREEN, OH 44232**

PS Form 3800, August 2005 See Reverse for Instructions

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<p>1. Article Addressed to:</p> <p>MR. DON SCHNACKEL AKRON IRON AND METAL, LLC PO BOX 607 GREEN, OH 44232</p>	<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p>7009 0080 0002 0413 1377</p>