



City of Cleveland  
Frank G. Jackson, Mayor

Department of Public Health  
Division of Air Quality  
75 Erieview Plaza, Second Floor  
Cleveland, Ohio 44114-1839  
216/664-2297 • Fax: 216/420-8047  
www.clevelandhealth.org

**SERVING OHIO EPA AS AGENCY 13  
FOR CUYAHOGA COUNTY**

**CERTIFIED MAIL 7011 2000 0002 6936 3105  
CERTIFIED MAIL 7011 3500 0000 1759 7433  
RETURN RECEIPT REQUESTED**

August 10, 2012

Tom Hyland  
Area Construction Engineer  
Ohio Department of Transportation (ODOT)  
500 Transportation Blvd.  
Garfield Hts., OH 44125

Joseph Wilson  
Walsh Construction  
2301 Scranton Road  
Cleveland, OH 44113

#### **EMISSIONS VIOLATION**

**FACILITY ID: Unassigned**  
**NOTICE OF VIOLATION: Visible Particulate Emissions in Violation of Ohio  
Administrative Code Rule 3745-17-08(B)**

Dear Mr. Hyland and Mr. Wilson:

This letter serves as notification that you are in violation of the following applicable air statutes, air regulations, or air permit conditions.

Fugitive particulate emissions were observed in violation of Ohio Administrative Code (OAC) rule 3745-17-08(B) on the following dates: July 20, 23 and 24, 2012. On the above dates, the Cleveland Division of Air Quality (CDAQ) observed visible particulate emissions emanating from the material handling operations and the crushing, screening and conveying operations located southwest of the E. 14<sup>th</sup> Street and Orange Avenue intersection in Cleveland. During CDAQ's observations, reasonably available control measures were not employed to prevent the fugitive dust from becoming airborne. A violation of OAC rule 3745-17-08(B) is also a violation of Ohio Revised Code (ORC) section 3704.05(G).

Specifically, on July 20, 2012, 32 minutes and 27 seconds of visible particulate emissions were observed in a 50-minute observation period. On July 23, 2012, 13 minutes and 5 seconds of visible particulate emissions were observed in a 50-minute observation period. Additionally, on July 24, 2012, 14 minutes and 5 seconds of visible particulate emissions were observed in a 30-minute observation period.



Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that ODOT and Walsh Construction collectively submit a corrective action plan detailing how future violations of fugitive visible emission standards will be averted. Your corrective action plan shall be submitted to the following enforcement representative:

Valencia White  
Cleveland Division of Air Quality  
75 Erieview Plaza 2<sup>nd</sup> Floor  
Cleveland, Ohio 44114-1839

Your written response to this letter must be received by CDAQ within fourteen (14) days of your receipt of this letter. If there is insufficient time to correct the alleged violations within this timeframe, your response must include a timeline for correcting the alleged violations.

Violations of Ohio air pollution laws and /or permit terms and conditions are subject to the penalties stipulated in Ohio Revised Code Section 3704.99(A), which allows fines of not more than twenty-five thousand dollars (\$25,000) or imprisonment for not more than one year, or both, for each violation.

CDAQ issues this letter with Ohio EPA's concurrence. The failure to mention any specific violation does not excuse any violations of local, state and federal laws or regulations regarding air pollution control. Violations of air pollution control laws may be pursued in local court or referred to Ohio EPA or U.S. EPA for further enforcement action. Should you have any questions, please call Valencia White at (216) 664-2953.

Sincerely,

Valencia White  
Chief of Enforcement, CDAQ

VW/vls&dd

cc: George P. Baker, CDAQ  
Michael J. Krzywicki, CDAQ  
Bob Hodanbosi, Ohio EPA Central Office  
John Paulian, Ohio EPA Central Office  
William MacDowell, U.S. EPA Region V  
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encl: Method 22 Observations conducted on July 20, 23 and 24, 2012



**CLEVELAND DIVISION OF AIR QUALITY  
METHOD 22: FUGITIVE OR SMOKE EMISSION**

V. Shaffen

COMPANY: ODST / Independence

OBSERVER: \_\_\_\_\_

LOCATION: GT Craig Monstrop site

AFFILIATION: Cleveland DAQ

COMPANY REP: \_\_\_\_\_

DATE: 7/23/2012

SKY CONDITIONS: overcast to scattered  
SUN came out 10:12 AM

WIND DIRECTION: W/SW/WW (variable)  
W primarily

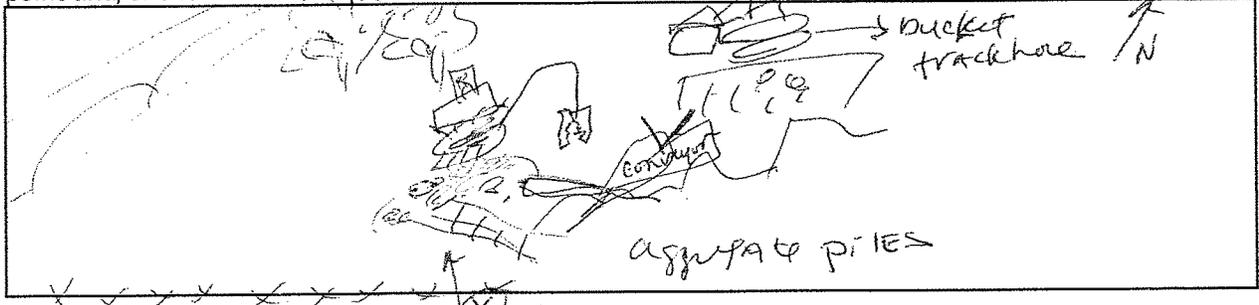
PRECIPITATION: None

WIND SPEED: \_\_\_\_\_

PROCESS UNIT: Trackhoe w/ claw crushing impement

CONTROL: N/A

Sketch process unit: indicate observer position relative to source and sun, indicate potential emission point and/or actual emission points.



Remember: Take a 5-10 minute break every 15-20 minutes.

	Clock Time <u>(AM/PM)</u>	Duration min:sec	Accumulated Emission Time min:sec
Begin Observation	9:50		
	10:10	20:00	6:34
	10:15	5:00	BREAK
	10:35	4:17 20:00	4:17
	10:40	Break 5:00	Break
	10:50	10:00	2:14 2:14
End Observation			

**TOTAL OBSERVED FUGITIVE DUST / SMOKE EMISSION** 13:05 mins/sec

**TOTAL DURATION OF METHOD 22:** 50:00 minutes

Record the clock time (AM/PM) when the observations begin. Record the clock time for stopping at a break (or move) and start time when the break (or move) ends. The "Duration" column is used to record each consecutive time band of observations between breaks or moves. Record the clock time at the end of the observation.

Start the stopwatch every time you observe emissions and stop it every time the emissions stop. Record the accumulated time for every "Duration" in the "Accumulated Time" column. Total the "Accumulated Times" and report this as the Total Observed Fugitive Dust / Smoke Emission.

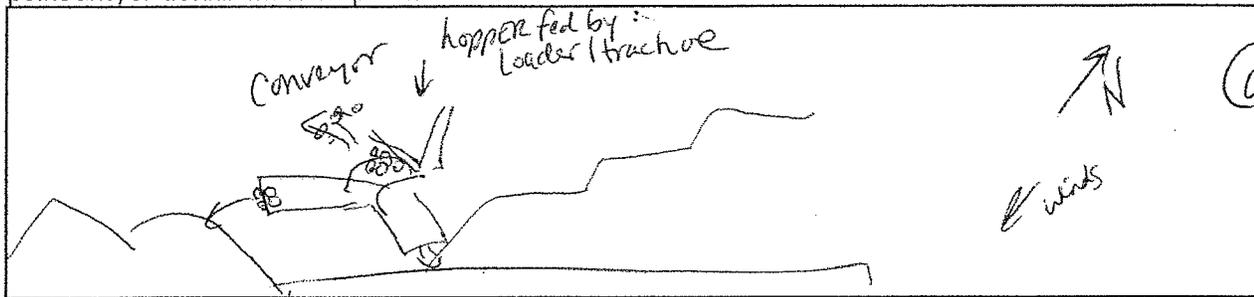


# CLEVELAND DIVISION OF AIR QUALITY

## METHOD 22: FUGITIVE OR SMOKE EMISSION

COMPANY: ODOT / Independence OBSERVER: V. Shaffer  
 LOCATION: GT Craig mon. EXCAVATION AFFILIATION: Cleveland DAQ  
 COMPANY REP: N/A DATE: 7/24/2012  
 SKY CONDITIONS: Clear / scattered WIND DIRECTION: N / NNW  
 PRECIPITATION: None WIND SPEED: 7-12 mph  
 PROCESS UNIT: Screening / Sorter conveyor CONTROL: N/A

Sketch process unit: indicate observer position relative to source and sun; indicate potential emission point and/or actual emission points.



Remember: Take a 5-10 minute break every 15-20 minutes.

	Clock Time	Duration min: sec	Accumulated Emission Time min: sec
Begin Observation	11:09		
		20:00	11:05
	11:29	6:00	BREAK
	11:35	10:00	3:00
	11:45		
End Observation			

TOTAL OBSERVED FUGITIVE DUST / SMOKE EMISSION 14:05 mins/sec

TOTAL DURATION OF METHOD 22: 30:00 mins

Record the clock time (AM/PM) when the observations begin. Record the clock time for stopping at a break (or move) and start time when the break (or move) ends. The "Duration" column is used to record each consecutive time band of observations between breaks or moves. Record the clock time at the end of the observation

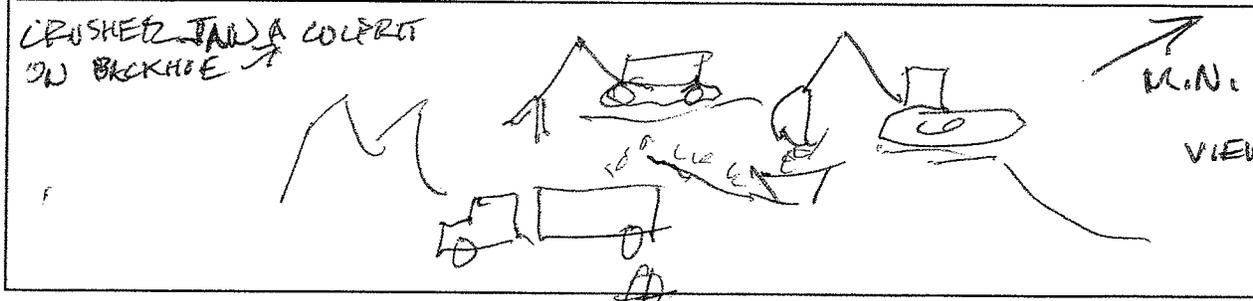
Start the stopwatch every time you observe emissions and stop it every time the emissions stop. Record the accumulated time for every "Duration" in the "Accumulated Time" column. Total the "Accumulated Times" and report this as the Total Observed Fugitive Dust / Smoke Emission.



**CLEVELAND DIVISION OF AIR QUALITY  
METHOD 22: FUGITIVE OR SMOKE EMISSION**

COMPANY: CDAO OBSERVER: D. DECHANT  
 LOCATION: G.T. CRAIG ROOF AFFILIATION: Cleveland DAO  
 COMPANY REP: N/A DATE: 7/20/00  
 SKY CONDITIONS: OVERCAST WIND DIRECTION: ENE  
 PRECIPITATION: TRIDE EVENING WIND SPEED: 10-  
 PROCESS UNIT: SCREENER/BACKHOE CONTROL: N/A

Sketch process unit: indicate observer position relative to source and sun; indicate potential emission point and/or actual emission points.



Remember: Take a 5-10 minute break every 15-20 minutes.

	Clock Time	Duration min: sec	Accumulated Emission Time min: sec
Begin Observation			
	11:30		
	11:50	15:31	15:31
	12:00	BREAK	—
	12:00	16:56	16:56
End Observation			

**TOTAL OBSERVED FUGITIVE DUST / SMOKE EMISSION** 30 MINS 17 SECS

**TOTAL DURATION OF METHOD 22:** 50 MINS (INCLUDING 10 MIN BREAK)

Record the clock time (AM/PM) when the observations begin. Record the clock time for stopping at a break (or move) and start time when the break (or move) ends. The "Duration" column is used to record each consecutive time band of observations between breaks or moves. Record the clock time at the end of the observation

Start the stopwatch every time you observe emissions and stop it every time the emissions stop. Record the accumulated time for every "Duration" in the "Accumulated Time" column. Total the "Accumulated Times" and report this as the Total Observed Fugitive Dust / Smoke Emission.



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**SERVING OHIO EPA AS AGENCY 13  
FOR CUYAHOGA COUNTY**

**CERTIFIED MAIL 7011 3500 0000 1759 7778  
RETURN RECEIPT REQUESTED**

9/6/12

Brandon Meyer  
Senior Project Manager  
Independence Excavating  
5720 Schaaf Rd.  
Independence, OH 44113

**FACILITY ID: Unassigned**

**RESOLUTION OF VIOLATIONS  
NOTICE OF VIOLATION FOLLOW-UP LETTER**

Dear Mr. Meyer:

On 8/10/12, the Cleveland Division of Air Quality (CDAQ) issued a Notice of Violation to the Ohio Department of Transportation (ODOT) and Walsh Construction citing episodes of visible particulate emissions violations. Fugitive particulate emissions were observed in violation of Ohio Administrative Code (OAC) rule 3745-17-08(B) on the following dates: July 20, 23 and 24, 2012. On the above dates, CDAQ observed visible particulate emissions emanating from the material handling operations and the crushing, screening and conveying operations located southwest of the E. 14<sup>th</sup> Street and Orange Avenue intersection in Cleveland. During CDAQ's observations, reasonably available control measures were not employed to prevent the fugitive dust from becoming airborne. A violation of OAC rule 3745-17-08(B) is also a violation of Ohio Revised Code (ORC) section 3704.05(G).

CDAQ requested that ODOT and Walsh Construction collectively submit a corrective action plan detailing how future violations of fugitive visible emission standards would be averted.

CDAQ is in receipt of a letter from Walsh Construction dated 8/27/12, that assigns responsibility for the location in question to their subcontractor Independence Excavating, Inc. Included with the letter from Walsh Construction was a corrective action plan dated 8/21/12, that had been submitted to Walsh Construction by Independence Excavating, Inc. detailing how they intended to suppress fugitive particulate emissions at the above-referenced site.

Independence Excavating, Inc. is expected to comply with restricting crushing operations at this site to between the months of September thru May and not to operate the plant in the months of June, July or August. If crushing resumes on the site, Independence Excavating, Inc. will utilize water suppression methods to the affected areas; commit more time from the on-site water truck to apply water to the haul roads and general staging area; and have the concrete crushing plant foreman visually monitor for fugitive dust and take pro-active measures to help minimize dust emissions, effective immediately.



Failure to do so may result in referral to Ohio EPA or U.S. EPA for further enforcement action. Fulfillment of your commitments included in the corrective action plan and/or any modifications contained within this letter does not constitute a waiver of CDAQ's ability to refer this matter to Ohio EPA or U.S. EPA for further enforcement action. Please submit any future correspondence related to this matter to the following enforcement representative:

Valencia White  
Cleveland Division of Air Quality  
75 Erievue Plaza 2<sup>nd</sup> Floor  
Cleveland, Ohio 44114-1839

The corrective action plan was received in a timely manner and appropriate steps are being taken to bring the source into compliance. CDAQ has determined that no further enforcement action is warranted at this time, but reserves its right to take such action in the future if necessary.

CDAQ issues this letter with Ohio EPA's concurrence and does not excuse any violations of local, state and federal laws or regulations regarding air pollution control. Violations of air pollution control laws may be pursued in local court or referred to Ohio EPA or U.S. EPA for further enforcement action. Should you have any questions, please call Valencia White at 216-664-2953.

Sincerely,

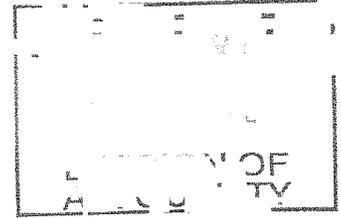
Valencia White  
Chief of Enforcement, CDAQ

VW/dd

cc: Tom Hyland, ODOT  
Joseph Wilson, Walsh Construction  
George P. Baker, CDAQ  
Michael J. Krzywicki, CDAQ  
John Paulian, Ohio EPA Central Office  
William MacDowell, U.S. EPA Region V  
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Walsh Construction

A MEMBER OF The Walsh Group



August 27, 2012

Doc. No.: 210103-00648

**VIA CERTIFIED MAIL: 7006 0810 0004 7666 8614**

City of Cleveland – Department of Public Health  
Division of Air Quality  
75 Erieview Plaza, Second Floor  
Cleveland, Ohio 44114-1839

Attention: Valencia White – Chief of Enforcement

Reference: ODOT Project No. 10-3000 PID: 85531  
CUY-90-14.90 Cleveland Innerbelt Contract Group One (CCG1)  
Walsh Project Number 210103

**Subject: Emissions Violation**

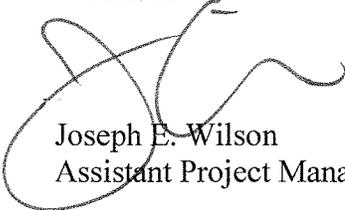
Ladies and Gentlemen:

Walsh Construction is in receipt of the City of Cleveland Division of Air Quality notice of violation issued on August 10, 2012 and received on August 14, 2012. After review of the notice and area described therein, Walsh Construction has determined that the area in question is under the control of Walsh Construction's subcontractor Independence Excavating, Inc. Attached hereto for your use, please find Independence Excavating's response to the aforementioned notice of violation and action plan.

If you have any questions regarding this issue please contact the undersigned.

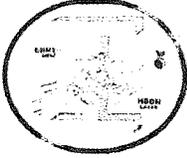
Very truly yours,

**WALSH CONSTRUCTION COMPANY**



Joseph E. Wilson  
Assistant Project Manager

Cc: File 1.5  
Ohio Department of Transportation – Thomas Hyland, P.E.



**INDEPENDENCE EXCAVATING**  
5720 Schaaf Road  
Independence, Ohio 44131

**Phone (216) 524-1700**  
**Fax (216) 524-1701**  
www.indexc.com

August 21, 2012

Letter No. 00016

Joseph Wilson  
Walsh Construction  
2301 Scranton Rd.  
Cleveland, OH 44113

Project: ODOT 10-3000 Innerbelt Bridge  
Reference: E14th St. and Orange Ave Dust Emissions Corrective Action Plan

Dear Mr. Wilson,

In response to the Cleveland Division of Air Quality letter dated August 10, 2012 regarding the dust emissions at the above location, please review our corrective action plan to suppress fugitive particulate emissions.

- The concrete crushing operation observed in the violation letter is no longer being operated at this time. If crushing resumes, Independence Excavating, (IX) will only crush between the months of September thru May, and not operate the plant the months of June, July or August during typical hotter and drier temperature periods.
- If crushing resumes during the above time period IX will setup and utilize a water suppression machine to apply water to the affected areas. This application has effectively been used during building demolition operations.
- IX will commit more time from the on-site water truck to apply water to the haul roads and general staging area.
- The concrete crushing plant foreman will visually monitor for fugitive dust and take pro-active measures to help minimize dust emissions.

If you have any questions regarding this corrective action plan please let me know.

Sincerely,

INDEPENDENCE EXCAVATING, INC.

  
Brandon Meyer  
Sr. Project Manager