

**Environmental
Protection Agency**

John R. Kasich, **Governor**
Mary Taylor, **Lt. Governor**
Scott J. Nally, **Director**

February 25, 2011

Mr. Ralph Kyanko
Kokosing Materials Inc.
P.O. Box 334
Fredricktown, OH 43019

Re: Emissions testing report submitted for KMI Plant 504 (0142000091) on October 28, 2010
and **Notice of Violation**

Dear Mr. Kyanko:

Ohio EPA, Central District Office (CDO) has completed a review of the above referenced emissions testing report for your facility located at 6326 County Highway 61 in Upper Sandusky. This compliance demonstration was a requirement of air permit to install and operate (PTIO) number P0105647. After a review of the report, CDO has determined that emissions unit P901 is not complying with the permitted allowable emission rate for volatile organic compounds (VOC), Nitrogen Oxides (NOx) and Sulfur Dioxide (SO2).

Ohio Revised Code (ORC) 3704.05(C) states, "No person who is a holder of a permit issued under division (F) or (G) of section 3704.03 of the Revised Code shall violate any of its terms or conditions." Be aware, PTIO number P0105647, issued on July 14, 2010, limits emissions to 28.2 pounds of VOC per hour, 7.1 pounds of NOx per hour and 27.0 pounds of SO2 per hour. Results from the emissions testing conducted on September 24, 2010, indicate that emissions unit P901 is emitting 47.2 pounds of VOC per hour, 18.15 pounds of NOx per hour and 63.7 pounds of SO2 per hour. This is a violation of PTIO number P0105647 and ORC 3704.05(C).

Based upon your conversation with my staff on January 20, 2011, it is CDO's understanding that KMI will address this compliance issue through a physical inspection and tuning of the plant prior to the retest of the plant scheduled for this year. After consideration of the above discussion, CDO is now requesting that KMI submit an Intent to Test notification at least 30 days prior to any proposed retest of emissions unit P901.

Please note that the Ohio Environmental Protection Agency (EPA) has the authority to seek civil penalties as provided in section 3704.06 of the ORC. This letter or information pursuant to this letter does not constitute a waiver of Ohio EPA's authority to seek civil penalties as provided in the ORC. The decision on whether or not to seek such penalties will be made by the Ohio EPA at a later date.

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If you have any questions please do not hesitate to contact Todd Scarborough of my staff at 614-728-3813.

Sincerely,



Kelly Toth
Permits & Compliance Supervisor
Division of Air Pollution Control
Central District Office

c: Adam Ward, DAPC/CDO
Todd Scarborough, DAPC/CDO