



City of Cleveland
Frank G. Jackson, Mayor

Department of Public Health
Division of Air Quality
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www.clevelandhealth.org

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

**CERTIFIED MAIL 7012 2210 0000 5209 1790
RETURN RECEIPT REQUESTED**

August 1, 2013

Ken Rose
Director of Engineering and Environmental
Omnitrax
252 Clayton Street
Denver, CO 80206

FACILITY ID: 13-18-17-8306

RE: 4200 EAST 49TH STREET, NEWBURGH HEIGHTS, OHIO

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

Dear Mr. Rose:

On May 23 and June 10, 2013, the Cleveland Division of Air Quality (CDAQ) inspected Newburgh & South Shore Railroad, LLC's property located at 4200 East 49th Street in Newburgh Heights, Ohio.

On June 14, 2013, CDAQ issued a Notice of Violation requiring Newburgh & South Shore Railroad, LLC to submit a permit application for an unpaved roadway.

CDAQ is in receipt of a completed Permit To Install and Operate (PTIO) application dated July 22, 2013.

The corrective action plan was received in a timely manner and appropriate steps were 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 Andrew Marantides at (216) 420-8049. All correspondence with CDAQ must include the Ohio EPA facility identification number for Newburgh & South Shore Railroad, LLC: 13-18-17-8306.

Sincerely,

Valencia White
Chief of Enforcement, CDAQ

VW/AMLK

cc: Billie Johnson, Newburgh & South Shore Railroad, LLC
Steven Ward, Omnitrax
John Paulian, Ohio EPA Central Office
Brian Dickens, U.S. EPA Region V
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