



City of Cleveland
Frank G. Jackson, Mayor

Department of Public Health
Division of Air Quality
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Cleveland, Ohio 44114-1839
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**SERVING OHIO EPA AS AGENCY 13
FOR CUYAHOGA COUNTY**

**CERTIFIED MAIL 7012 2210 0000 5209 4210
RETURN RECEIPT REQUESTED**

September 16, 2013

Ralph Kyanko
Environmental Director
Kokosing Materials Inc. – Plant 522
1539 Lowell St.
Elyria, OH 44035

HIGH PRIORITY FACILITY

RE: PLANT 522 – 3000 INDEPENDENCE ROAD, CLEVELAND, OHIO

FACILITY ID: 13-18-00-8747

NOTICE OF VIOLATION: Failure to submit complete Permit Evaluation Reports for 2011 and 2012, and failure to complete emissions testing on emissions unit number P901

Dear Mr. Kyanko:

On August 19, 2013, the Cleveland Division of Air Quality (CDAQ) inspected Kokosing Materials Inc. – Plant 522 (Kokosing) located at 3000 Independence Road in Cleveland. This letter serves as notification that you are operating sources in violation of the following applicable air statutes, air regulations, or air permit conditions.

The 2011 and 2012 permit evaluation reports (PERs) submitted by Kokosing are incomplete. The PERs should identify the number of days during which any visible emissions of fugitive dust was observed and the number of days in which any corrective action was taken to minimize the visible emissions. This is in violation of your permit-to-install/operate (PTIO) No. P0106806, Parts C (1)(e)(2) and C(2)(e)(2) and C(3)(e)(3) and Ohio Revised Code (ORC) Section 3704.05(C). The 2011 PER was received on February 9, 2012, and the 2012 PER was received on February 12, 2013.

Furthermore, Kokosing has not conducted emissions testing while using slag in the production mix for emissions unit (EU) P901: 650 tons/hr drum mix counter-flow hot mix asphalt plant employing slag, controlled with a baghouse. The PTIO indicates that an emissions test should be conducted within 60 days of initially using slag. The 2011 production data table indicates that slag was first used on September 29, 2011. Although an emissions test was conducted on May 14, 2012, that day's Mix Data Sheet did not list slag among the production mix aggregates.



The failure to conduct an emissions test within 60 days of initial slag use is in violation of PTIO No. P0106806, Part C (3)(f)(1)(a) and ORC Section 3704.05(C).

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that Kokosing submit revised PERs for 2011 and 2012 to the Ohio EPA eBusiness Center and submit an Intent to Test (ITT) notification for emissions testing on EU P901.

Your PERs must be submitted to the eBusiness Center within fourteen (14) days of your receipt of this letter. The ITT notification must be submitted to CDAQ within fourteen (14) days of your receipt of this letter. If there is insufficient time to correct either alleged violation 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 ORC 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 David Wagner at 216/664-3004. All correspondence with CDAQ must include the Ohio EPA facility identification number for Kokosing: 13-18-00-8747.

Sincerely,

Valencia White
Chief of Enforcement, CDAQ

VW/dlw

cc: George P. Baker, CDAQ
Michael J. Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
Brian Dickens, U.S. EPA Region V
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