



**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 3500 0000 1759 8744  
RETURN RECEIPT REQUESTED**

September 23, 2013

Matt Fortuna  
Fortuna Aggregates, LLC  
3133 Waterfall Way  
Westlake, OH 44145

**NON-HIGH PRIORITY FACILITY**

**RE: 2525 ROCKEFELLER AVENUE IN CLEVELAND  
FACILITY ID: 13-18-00-8782**

**NOTICE OF VIOLATION: Failure to Successfully Pass Test Method 22 for  
Unpaved Roadways and Parking Areas**

Dear Mr. Fortuna:

On September 4, 2013, the Cleveland Division of Air Quality (CDAQ) inspected Fortuna Aggregates, LLC located at 2525 Rockefeller Avenue 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.

Fortuna Aggregates, LLC failed the applicable Test Method 22 for emission unit F001: unpaved roadways and parking areas, by exceeding the visible particulate emissions limitation of 3 minutes during a 60-minute observation period. This is a violation of your Permit-to-Install/Operate Number P0109442, Ohio Administrative Code (OAC) Rule 3745-17-08(B), and Ohio Revised Code (ORC) Sections 3704.05(C) and (G), in that visible particulate emissions were not sufficiently controlled.

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that Fortuna Aggregates, LLC submit a corrective action plan utilizing best available control measures to minimize fugitive dust, to the following enforcement representative:

Roman Fedorko  
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 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.

Free assistance with state and/or federal regulations, rules, laws or permit conditions can be provided at no charge through Ohio EPA Office of Compliance Assistance and Pollution Prevention (OCAPP). OCAPP can be contacted at <http://www.epa.state.oh.us/ocapp> or at (800) 329-7518. CDAQ makes no guarantee that the facility will meet the qualifying guidelines established by OCAPP.

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 Roman Fedorko at (216) 664-4794. All correspondence with CDAQ must include the Ohio EPA facility identification number for Fortuna Aggregates, LLC: 13-18-00-8782.

Sincerely,

Valencia White  
Chief of Enforcement, CDAQ

VW/rf

cc: George P. Baker, CDAQ  
Michael J. Krzywicki, CDAQ  
John Paulian, Ohio EPA Central Office  
Brian Dickens, U.S. EPA Region V  
L:\Data\Facilities\1318008782\2013-09-04 NOV.docx

encl: copy of Test Method 22 for Unpaved Roadways and Parking Areas

FUGITIVE OR SMOKE EMISSION INSPECTION  
OUTDOOR LOCATION

Company Fortuna aggregates  
Location 2525 Rockefeller Ave  
Company Rep.

Observer Sarah Buzas  
Affiliation CDAQ  
Date 9/4/13

Sky Conditions Clear blue

Wind Direction NE

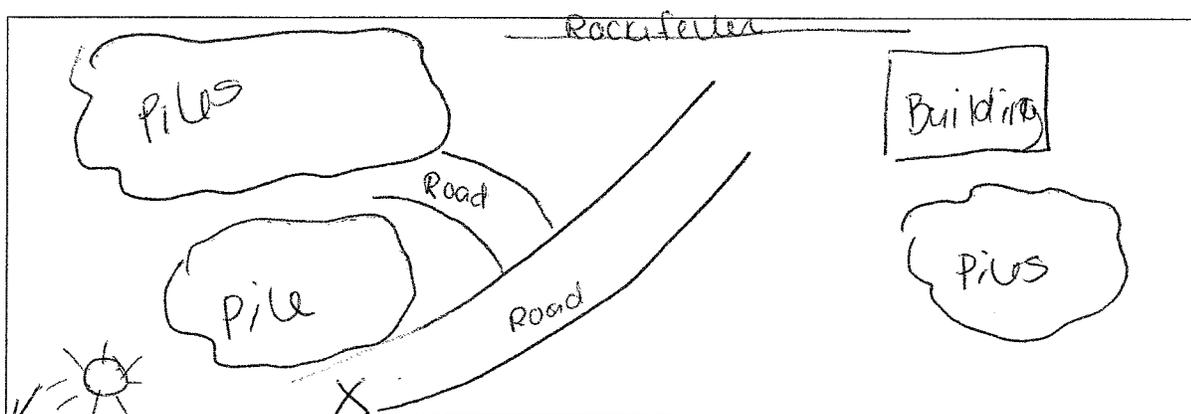
Precipitation None

Wind Speed 7mph, 82°F

Industry  
Roadways, aggregate storage  
Piles. (13-18-00-8782)

Process Unit (EU)  
Foot-unpaved roadways  
(3 minutes / 60 minutes)

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



OBSERVATIONS

	Clock Time	Observation period duration, minutes:seconds	Accumulated emission time, minutes:seconds
Begin Observation	9:10am	9:25am	2:02
To complete this form, record the following:	9:30am	9:45am	0:51
• the initial clock time	9:50am	9:52am	0:22
• the total time of the observation (from SW1)			
• the total time of emissions (from SW2), and	Total 42min	9:10 - 9:52am	3:15.5
• the final clock time.			
For more details on recording this data and taking breaks, see #7 and #10 above.			
End Observation			