



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

Re: Erie County  
Cedar Point  
Complaint Investigation/Inspection/  
Notice of Violation (NOV-non HPV)

September 10, 2013

CERTIFIED MAIL

Mr. Ken Berryhill, Director of Safety  
Cedar Point  
One Cedar Point Drive  
Sandusky, Ohio 44870-5259

Dear Mr. Berryhill:

As you are aware, the Northwest District Office (NWDO), Division of Air Pollution Control (DAPC) conducted an announced inspection on August 20, 2013, of Cedar Point by Miranda Garlock and Jan Tredway. The purpose of this inspection was to investigate a complaint and to determine the compliance status of any potential air contaminant emissions units located at the facility with the rules and regulations of the DAPC.

Based on discussions with you and Mr. Ed Dangler, DAPC's observations during the inspection, and a review of files at the Northwest District Office (NWDO), the following summarizes our findings:

**Complaint Investigation:**

DAPC received a complaint regarding the steam engine train ride (a.k.a. Cedar Point and Lake Erie Railroad) from a park visitor on August 19, 2013. The complainant inquired whether the train ride was permitted by DAPC and indicated that her family had been exposed to emissions and were covered by coal dust from the ride while waiting in line for an adjoining coaster ride, the Millennium Force.

On the day of the inspection, there was no evidence of coal dust observed on surrounding structures which separate the train operations from the Millennium Force's ride waiting line. In addition after further review, the steam engine train ride does not meet the definition of a "stationary source," as such, Ohio EPA would not regulate emissions from the train; therefore, this complaint is considered not justified.

**Compliance Inspection:**

1. The following air emission units identified during the inspection are considered exempt from permitting:
  - a. Boilers (Four Natural Gas Fired, Boiler Plant) and Glass Blowing Furnaces (Two Natural Gas Fired) under OAC rule 3745-31-03(A)(1)(a).
  - b. Parts Washer (One Unit, Park Maintenance Building Using Detergent) under OAC rule 3745-31-03(A)(1)(aa).
  - c. Fueling Stations (Three Stations – Marina at Cedar Point, Marina at Castaway Bay, and Fleet Vehicles) under OAC rule 3745-31-03(A)(1)(ee).
  - d. Cold Cleaners (Three Units, Park Maintenance Building Using Solvents) under OAC rule 3745-31-03(A)(1)(w) because they meet the provisions of OAC rule 3745-21-09(O).
  - e. Emergency Electrical Generators, Air Compressors, or Water Pumps (Sixteen Units) under OAC rule 3745-31-03(A)(1)(nn).
  - f. Non-Road Engines (Portable Pump for Flood Control and Potable Air Compressor for General Use) under OAC rule 3745-31-03(A)(1)(pp) because these emissions units would qualify as a “non-road engine”.
  
2. The following six air emissions units identified during the inspection would be subject to air permitting but would qualify for a Permit-by-Rule (PBR) under OAC rule 3745-31-03(A)(4)(b) because these emergency units are not portable, are powered by internal combustion engines greater than 50 horsepower (HP) or 37.3 kilowatts (KW), and operate less than 500 hours per year for emergency purposes:
  - a. 230 KW diesel generator, executive office – rear
  - b. 60 KW diesel generator, front gate – lake side
  - c. 100 KW diesel generator, Wind Seeker – inside stadium
  - d. 150 KW diesel generator, Hotel Breakers – rear of towers
  - e. Fire pump for Hotel Breakers

Therefore, Cedar Point is required to submit PBR applications for each of the above identified units. A permit application form can be downloaded from the following link on Ohio EPA’s website:  
<http://epa.ohio.gov/dapc/pbr/permitbyrule.aspx>.

3. The following two emission sources of air pollution are exempt from obtaining air permits because the air emissions from these sources are below “de minimis” amounts (or less than 10 pounds per day of any air contaminant) as defined in Ohio Administrative Code (OAC) rule 3745-15-05:
  - a. Blacksmith Operations; and
  - b. Coal Handling including Screening, Load Out, Load In, and Stockpiles:

Cedar Point should continue to keep annual records of the amount of coal usage per year in its blacksmith operations and the amount of coal handled and stored for the steam engine train operations per year to support a “de minimis” demonstration of emissions from these operations.

4. Cedar Point operates two paint booths, one located in the park maintenance building and one located at the coaster rebuilt shop. The paint booth installed at the coaster rebuilt shop was installed in December 2012, and has not yet been utilized. The paint booth installed in the maintenance building on the park grounds has been in use for at least the past thirty years. Each booth utilizes dry filtration. Objects painted in the booths include metal, fiberglass, and wood. Cedar Point estimates they utilize a maximum of one gallon of paint per month which has a maximum VOC content of 2.5 lbs VOC/gallon of paint in the park maintenance booth.

Cedar Point applied for a PBR for its paint booth located at the coaster rebuilt shop in December 2012. However, the PBR was denied because the coaster trains do not fall under the definition of how the agency defines an “automobile” or “light duty truck”. In addition, because the facility paints more than just metal objects, the painting operations do not qualify for a Model General Permit. During the inspection, Cedar Point indicated that it could keep daily records to demonstrate a “de minimis” demonstration for its painting operations but has not done so to date. It was explained during the investigation that if the facility felt the daily record keeping was too burdensome or daily emissions begin to approach 10 lbs of VOC/day per booth, the facility would need to apply for an air permit.

In order to verify that actual emissions from these sources are in compliance with OAC rule 3745-15-05(D), the owner or operator of the source shall maintain records that show that emissions of any air contaminant from the source did not exceed ten pounds per day on each day the source emitted air contaminants. On August 20, 2013, DAPC supplied the facility a template to begin to utilize for its daily record keeping requirements to demonstrate “de minimis” emissions from its painting operations.

5. The wood working operations controlled by a cyclone which vents outdoors and the sand blasting unit utilized at the coaster rebuilt shop do not fall under a listed permit exemption in OAC rule 3745-31-03(A) and therefore may require an air permit.

Based on the information provided during the investigation, it was not clearly ascertained whether these units would qualify for a "de minimis" exemption as defined in OAC rule 3745-15-05 or are subject to the rules and regulations under OAC rule 3745-31-02 regarding a Permit to Install/Operate (PTIO).

In order to determine the applicability and compliance with air pollution rules and regulations, it is necessary for Cedar Point to submit potential emission calculations for these two units. If emission calculations indicate potential emissions may exceed ten pounds per day, Cedar Point will be required to obtain a PTIO for the emission unit(s).

6. Fugitive emissions generated from vehicular traffic over paved roadways and parking areas is considered to be an emissions source. Cedar Point has an expansive amount of paved roadways and parking areas with a high volume of daily traffic; therefore, it is not likely emission calculations would demonstrate "de minimis" conditions. Cedar Point has failed to submit a permit application for its paved roadways and parking lots which is a violation of OAC rule 3745-31-02 and ORC §3704.05. Therefore, Cedar Point is required to submit a PTIO or a Model General Permit application for this emission unit.
7. Cedar Point utilizes one petroleum based dry cleaning machine. Because petroleum based dry cleaning machines are not exempt from air permitting regulations and OAC rule 3745-21-09(BB) would be applicable to this unit, the installation and operation of this emission unit prior to obtaining a PTIO is a violation of OAC rule 3745-31-02 and ORC §3704.05. Therefore, Cedar Point is required to submit a PTIO application for this emission unit.

The company's written response to this letter is requested by no later than **October 9, 2013**. It should be submitted to Ohio EPA, NWDO and contain a compliance plan to remedy the observed compliance issues described above in No. 4, No. 6, and No. 7. In addition, Cedar Point should provide the requested information described above in No. 5 by no later than **October 9, 2013**.

Please be advised that the submission of information to respond to this letter does not constitute a waiver of Ohio EPA's authority to seek civil penalties pursuant to ORC §3704.06. The Ohio EPA will make a decision on whether to pursue or decline to pursue such penalties regarding this matter at a later date.

Mr. Ken Berryhill, Director of Safety  
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If you have any questions concerning this letter or the regulations, please feel free to call me at (419) 373-3069 or e-mail at [Miranda.Garlock@epa.ohio.gov](mailto:Miranda.Garlock@epa.ohio.gov).

Sincerely,



Miranda R. Garlock  
Division of Air Pollution Control

/llr

Certified Mail Receipt Number 7009 1410 0001 1835 2015

cc: Miranda Garlock, DAPC/NWDO  
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