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- Print your name and address on the reverse so that we can return the card to you.
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1. Article Addressed to:

RALPH KYANKO
KOKOSING MATERIALS, INC. PLANT 519
P.O. BOX 334
17531 WATERFORD RD.
FREDRICKTOWN, OH 43019

2. Article Number
(Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

- A. Signature Agent
[Handwritten Signature] Addressee
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City of Cleveland
Frank G. Jackson, Mayor

Department of Public Health
Division of Air Quality
1925 St. Clair Avenue
Cleveland, Ohio 44114 2080
216/664-2297 • Fax: 216/20-8017
www.clevelandhealth.org

SERVING OHIO EPA AS AGENCY 13
FOR CUYAHOGA COUNTY

CERTIFIED MAIL 7002 2030 0001 1807 8146
RETURN RECEIPT REQUESTED

9/25/08

Ralph E. Kyanko
Kokosing Materials, Inc. Plant 519
P.O. Box 334
17531 Waterford Rd.
Fredricktown, OH 43019

FACILITY ID: 13-18-22-4741

NOTICE OF VIOLATION: Failure to submit permit-to-install/operate (PTIO) applications for a new "fines" storage silo and the current recycled asphalt pavement (RAP) aggregate handling operations, failure to maintain required records and submit quarterly deviation reports, and failure to comply with visible emissions limitations for fugitive dust from paved roadways

Dear Mr. Kyanko:

On 9/9/08, the Cleveland Division of Air Quality (CDAQ) inspected Kokosing Materials, Inc. Plant 519 (Kokosing) located at 13700 McCracken Rd. in Garfield Heights, OH. This letter serves as notification that you are operating sources in violation of the following applicable air statutes, air regulations, or air permit conditions:

Kokosing's operation of a storage silo and conveyor system for handling baghouse "fines" installed 6/08 and the recycled asphalt pavement (RAP) aggregate handling (loading, breaking, screening, conveying) acquired by Kokosing in 1/08 is in violation of Ohio Administrative Code (OAC) Rule 3745-31-02 and Ohio Revised Code (ORC) 3704.05(D) & (G) for failing to submit PTIO applications prior to installation and operation of these emissions units (EU's).

Kokosing's operation of EU F006: Paved Roadways and Parking Areas is in violation of ORC 3704.05(C) and PTI #13-04405 Part I.A(2)(b) for failure to submit quarterly deviation reports 1/07 thru 8/08.

Kokosing's operation of EU F006 is also in violation of OAC rule 3745-31-05(A)(3) for visible dust emissions from paved roadways observed in excess of 5:00 minutes in less than a 60-minute period on 9/9/08.



Lastly, Kokosing's operation of EU P903: Portable Drum Mix Asphalt Batching Plant is in violation of OAC rule 3745-31-05(A)(3) and PTI #13-03732, Part III.A.III(8) for failure to maintain quarterly updates of total number of days control measures were implemented for aggregate handling operations (kept separately for each material handling operation indentified in the PTI), 1/07 thru 8/08.

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 Materials, Inc. Plant 519 submit PTIO applications for the new "fines" storage silo and the RAP aggregate handling/processing operations, 2007 quarterly deviation reports for paved roadways and parking areas (F006), plans for correcting the fugitive dust visible emissions violation and the 2007 quarterly summation of the total number days control measures were implemented for each material handling operation identified in PTI #13-03732, to the following enforcement representative:

Dave DeChant
Cleveland Division of Air Quality
1925 St. Clair Avenue NE
Cleveland, Ohio 44114-2080

Your written response to this letter must be received by CDAQ within thirty (30) 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.

The appropriate permit application(s) and supplemental form(s) are included with this letter. Please note that all permit applications submitted to CDAQ must include original signatures. Photocopied signatures are not valid; the application will not be accepted by CDAQ and will be returned to you if original signatures are not provided.

Violations of Ohio air pollution laws and /or permit terms and conditions are subject to the penalties stipulated in Ohio Revised Code Section 3704.99(A), which allows fines of not more than twenty-five thousand dollars 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 Dave DeChant at 216-664-3213. All correspondence with CDAQ must include the Ohio EPA facility identification number for Kokosing Materials, Inc. Plant 519: 13-18-22-4741.

Sincerely,

A handwritten signature in black ink, appearing to read "George Baker".

George Baker
Chief of Enforcement, CDAQ

GB/dd 

cc: John Paulian, Ohio EPA Central Office
Lisa Holscher, U.S. EPA Region V
Facility File and L:\Data\Facilities\1318224741\2008-09-10 NOV.doc

encl: PTIO applications