



State of Ohio Environmental Protection Agency

Northeast District Office

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Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

July 31, 2007

RE: CERTIFIED WARNING LETTER

CERTIFIED MAIL

02 PS 03 0459

Mr. Marvin Yoder
Mohawk Lumber, LTD.
2931 S. Carr Road
Apple Creek, OH 44606

Dear Mr. Yoder:

On July 26, 2007, inspectors from this office stopped by Mohawk Lumber to investigate past dust complaints. The purpose of this letter is to discuss the results of this site visit.

While at Mohawk Lumber, the inspectors observed air contaminant sources in operation which require permits-to-install (PTIs) and permits-to-operate (PTOs) in order to be installed and operate, respectively. The inspectors also observed open burning occurring at the facility. These matters as well as the dust complaints are discussed in detail below:

Dust Complaints:

Dust complaints regarding Mohawk Lumber were received in the fall of 2006 and spring of 2007. It appears that a significant amount of dust was being created by equipment traffic on the north side of the property. The surface of this area consisted of dirt until recently. Mohawk Lumber has covered the area in large-diameter gravel. Since this change, no complaints have been received. If future dust complaints are received, this office will investigate further. For now, it appears that Mohawk Lumber has taken the necessary steps to reduce roadway dust. If you have any questions regarding this matter, please contact Frank Elchesen at (330) 963-1209.

Open Burning:

During their visit, the inspectors observed open burning, in violation of Ohio Administrative Code (OAC) rule 3745-19-04(A). The materials being burned were wood waste and a metal door. Other scrap metal pieces in the area of the fire had apparently been burned to remove non-metal materials in the past. The inspectors were informed by an employee that the wood waste was being burned because it has nails in it and the workers did not want this wood in other parts of the yard for fear that the nails would end up in their fires.

Burning of wood waste that is not generated on the premises (brought from another location) is prohibited under OAC rule 3745-19-04(A). Please dispose of waste doors and other materials through Mohawk Lumber's normal trash service. Alternate uses of clean wood waste include mulching them or using them for fuel in fireplaces or home stoves.

Mr. Marvin Yoder
Mohawk Lumber, LTD
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Permitting Requirements:

It appears that Mohawk Lumber uses diesel-fired generators to produce electricity to power the facility. These generators produce regulated amounts of air contaminants and require air pollution control permits in order to be installed and operated. Failure to obtain these necessary permits is a violation of OAC rules 3745-31-02 and 3745-35-02.

It appears that woodworking operations also occur at the facility. These operations, including any combustion engines associated with them as well as the facility roadways, may also require permits. Emissions calculations must be performed in order to determine if they meet the requirements of *de minimis*, as outlined in OAC rule 3745-15-05.

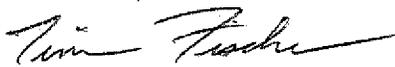
For every possible air contaminant source at the site, including any combustion engines, woodworking operations, and roadways, please submit either PTI and PTO applications or emissions calculations demonstrating that the units are *de minimis*. Please submit this information within **twenty-one (21) days of receipt of this letter**. Failure to respond to this request in the stated time frame can result in a referral to the Central Office of Ohio EPA for the appropriate enforcement action.

It may be helpful for you to contact a consultant or Ohio EPA's Office of Compliance Assistance and Pollution Prevention (OCAPP) to assist you through the permit application process. OCAPP is a free, confidential resource for small business owners. I have enclosed an OCAPP pamphlet along with this letter.

The submission of the requested permit applications does not constitute a waiver of Ohio EPA's authority to seek civil penalties as provided in ORC 3704.06. Ohio EPA will decide whether to pursue or decline to pursue penalties regarding this matter at a later date.

If you have any questions, please contact me at (330) 963-1270.

Sincerely,



Tim Fischer
Environmental Specialist
Division of Air Pollution Control

TF:bo

enclosure

ec: Dennis Bush, Ohio EPA, DAPC, NEDO
Ed Fasko, Ohio EPA, DAPC, NEDO