



**Environmental
Protection Agency**

Ted Strickland, Governor
Lee Fisher, Lt. Governor
Chris Korleski, Director

August 3, 2010

RE: LORAIN COUNTY
DUST COMPLAINT
0747060506
CERTIFIED MAIL

Mr. Howard Aborn
12747 Vermilion Road
Amherst, Ohio 44001

Dear Mr. Aborn:

On July 26, 2010, this office received a residential complaint stating that the operations of Kipton Feed are generating excessive dust during truck loading from the grain silo.

On July 30, 2010, I visited Kipton Feed and observed heavy emissions emanating from the grain loading operations. You were not present at this time.

Please be advised that with the new ownership of Kipton Feed, a transfer/update of the facility's permits with the Ohio EPA is required. Information can be found at the agencies web site located at <http://www.epa.state.oh.us/>.

The purpose of this letter is to advise you of OAC Rule 3745-17-08, "Restriction of Emission of Fugitive Dust." Failure to control these emissions will result in a violation of OAC Rule 3745-15-07, "Air Pollution Nuisances, Prohibited."

Control measures must be implemented by Kipton Feed to minimize or eliminate the visible fugitive emissions generated from this facility. Failure to control these emissions may result in a referral to our legal staff in Columbus for appropriate action. Within fourteen (14) days after receipt of this notice, please submit to our office, in writing, a response to this letter.

Finally, be aware that this letter in no way waives the right of the Ohio EPA to pursue additional enforcement action. Acceptance by the Ohio EPA of any written commitment does not constitute a waiver of the Ohio EPA's authority to seek civil penalties as provided in the Ohio Revised Code. The determination to pursue or not to pursue such penalties in this case will be made by the Ohio EPA at a later date.

If you have any questions, please contact me at (330) 963-1209.

Respectfully,

Frank Elchesen
District Representative
Division of Air Pollution Control

FE:bo

pc: Bob Prinic, OEPA, NEDO, DAPC
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