



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.
Twinsburg, Ohio 44087

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

July 12, 2007

RE: NOTICE OF VIOLATION
DUST NUISANCE
LORAIN COUNTY
0247120913
CERTIFIED MAIL

Mr. William Morog, President
Jonick & Co.
4900 French Creek Road
P.O. Box 2095
Sheffield, Ohio 44054

Dear Mr. Morog:

As you are aware, representatives of Ohio EPA's Division of Air Pollution Control have been investigating residential complaints of dust emanating from Jonick Dock & Terminal, located at 1840 Idaho Avenue in Lorain, Ohio. The investigation found that excessive dust is being released, and that the dust is comprised of the same material being handled and stored at the facility. Based on the information gathered, Jonick & Company is in violation of Ohio's air pollution nuisance regulation, and is required to take action to regain compliance.

The complaints alleged that large amounts of dust are released from the facility's storage piles and from its ship-to-shore unloading operations during strong winds. They were originally forwarded to Ohio EPA by the Lorain City Health Department, along with the health department's findings. The health department concluded that large amounts of dust were observed on the dwellings and properties of residents located on "H" Street in Lorain.

On May 11, 2007, I visited the facility and spoke to you regarding this matter. During my visit, a water truck was on site and operative. No excessive visible fugitive emissions were observed at that time. While dust on nearby homes was apparent, the source of the dust and the duration over which the dust had accumulated were unknown. However, on May 16, 2007, I received a complaint reporting that a dust episode had occurred overnight. I collected a dust sample from the complainant's property the following day, after observing an increased amount of black powder-like material than what had been present during my visit the previous week.

On June 7, 2007, Ken Djukic and I met with you to conduct an inspection of Jonick Dock & Terminal, which included a review of the facility's material handling operations for coke, taconite and coke breeze. A large storage pile of black material was observed located in close proximity to residents on "H" Street. At that time, you informed us that the material was coke breeze and would be removed in the near future.

MR. WILLIAM MOROG, PRESIDENT
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On June 12, 2007, I mailed a dust questionnaire to local citizens. The majority of residents residing on or near "H" Street completed and submitted the questionnaire. All stated that a dust problem exists in the vicinity of their home. The source was alleged to be operations and storage piles at the dock and terminal.

Results of the dust sample, received July 3, 2007, confirmed that the sample matches material handled by Jonick. The attached analysis report identifies the sample as 80% coke, 5-10% taconite and other magnetic material, and 5-10% sand. To our knowledge, Jonick is the only facility that handles coke and taconite in close proximity to the residence that was sampled. Based on the sample results, citizen complaints and questionnaire responses, the proximity of the residences to your facility, and our inspectors' observations, fugitive dust from Jonick Dock & Terminal poses a public nuisance in violation of Ohio Administrative Code (OAC) Rule 3745-15-07.

OAC Rule 3745-17-08 gives Ohio EPA the authority to require the owner or operator of a fugitive dust source to implement reasonably available control measures in such areas, if a public nuisance is found. In view of the above facts, within fourteen (14) days after receipt of this letter, please submit the plan you intend to take to minimize or eliminate excessive fugitive dust emissions from your facility. If we do not receive a compliance plan within this period, and control measures are not implemented, the emission evidence and any future documentation may be referred to our Central Office in Columbus for appropriate action. We hope that this alternative need not be necessary, and that voluntary compliance will be forthcoming.

Finally, please be aware that this letter in no way waives the right of Ohio EPA to pursue additional enforcement action. Acceptance by Ohio EPA of any written commitment does not constitute a waiver of 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 Ohio EPA at a later date.

If you have any questions, please do not hesitate to contact me at (330) 963-1209.

Respectfully,


Frank Eichen
District Representative
Division of Air Pollution Control

FE:bo

enclosure

cc: Dennis Bush, DAPC, NEDO
Jennifer Kurko, DAPC, NEDO
Bob Princic, DAPC, NEDO
Ken Djukic, DAPC, NEDO
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