



City of Cleveland  
Frank G. Jackson, Mayor

Department of Public Health  
Division of Air Quality  
75 Erieview Plaza, Suite 200  
Cleveland, Ohio 44114-1839  
216/664-2297 • Fax: 216/420-8047  
www.clevelandhealth.org

SERVING OHIO EPA AS AGENCY 13  
FOR CUYAHOGA COUNTY

CERTIFIED MAIL : 7002 2030 0001 1807 9907  
RETURN RECEIPT REQUESTED

November 2, 2009

Ralph Kyanko  
Kokosing Materials Inc.  
P.O. Box 334  
Fredericktown, Ohio, 43019

NON-HPV

FACILITY ID: 01-42-00-0403  
NOTICE OF VIOLATION : AIR POLLUTION NUISANCE

Dear Mr. Ralph Kyanko:

On October 13, 2009, the Cleveland Division of Air Quality (CDAQ) responded to an odor complaint at Kokosing Materials Inc. located at 13700 McCracken Road in Garfield Heights. This letter serves as notification that you are operating sources in violation of the following applicable air statutes, air regulations, or air permit conditions.

CDAQ detected the presence of a strong asphalt smell outside of Kokosing Materials property. Since June 13, 2009, CDAQ has received ten odor complaints. The odors are a violation of the Ohio Administrative Code (OAC) Rule 3745-15-07 for creating an air pollution nuisance.

On October 8, 2009, at a public hearing in regards to a permit modification for Kokosing Materials Inc., 15 persons provided verbal or written testimony. Of those, 14 claimed their health has been affected by emissions from this facility. The health effects include difficulty breathing, high blood pressure, dizziness, eye watering, throat burning, and shortness of breath.

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. submit a corrective action plan ensuring that the odor will be abated. The corrective action plan must be submitted in a timely manner to the following enforcement representative:



Bryan Sokolowski  
Cleveland Division of Air Quality  
75 Erieview Plaza 2<sup>nd</sup> Floor  
Cleveland, Ohio 44114-1839

Your written response to this letter must be received by CDAQ within fourteen (14) days of your receipt of this letter. If there is insufficient time to correct the alleged violation within this timeframe, your response must include a timeline for correcting the alleged violations.

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 Bryan Sokolowski at (216) 420-7663. All correspondence with CDAQ must include the Ohio EPA facility identification number for Kokosing Materials Inc.: 01-42-00-0403.

Sincerely,

George Baker  
Chief of Enforcement

GB/BS

cc: John Paulian, Ohio EPA Central Office  
Lisa Holscher, U.S. EPA Region V  
Kelly Toth, Central District Office  
Todd Scarborough, Central District Office  
Facility File and L:\Data\Facilities\0142000403\2009-10-13 NOV.docx

encl: Public Hearing Transcript