



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: 216/420-8047
www.clevelandhealth.org

**SERVING OHIO EPA AS AGENCY 13
FOR CUYAHOGA COUNTY**

**CERTIFIED MAIL 7003 1010 0004 2923 3201
RETURN RECEIPT REQUESTED**

7/21/08

Nicholas Dorony
CMC-Kilroy Structural Steel Co.
8500 Union Ave.
Cleveland, OH 44105

FACILITY ID: 13-18-00-0404
NOTICE OF VIOLATION: Improper Record keeping

Dear Mr. Dorony:

On 6/26/08, the Cleveland Division of Air Quality (CDAQ) inspected CMC-Kilroy Structural Steel Co. (Kilroy) located at 8500 Union Ave. in Cleveland, OH 44105. This letter serves as notification that you are operating sources in violation of the following applicable air statutes, air regulations, or air permit conditions.

Kilroy's operation of emissions unit's (EU's) K001 and K002 is in violation of PTI # 13-04412, Part II(C)(1) & (D)(1) for failing to report deviations from the operational restriction stipulated in Part II(B)(2) requiring "...keep all doors closed in this emission unit's coating area, while conducting painting activities." CDAQ is in receipt of Kilroy's Permit-to-Operate (PTO) application dated 2/27/08 and supporting modeling information requesting that this requirement be waived in light of only operating two EU's (K001, K002) versus the three that were originally included in the PTL. Despite timely submission of this information, Kilroy still needs to comply with the record keeping and reporting as specified in the PTL.

Kilroy is in violation of PTI #13-04412, Part II(C)(5)(a-g) for failing to maintain monthly HAP records for the facility.

Kilroy is also in violation of PTI #13-04412, Part II(D)(4) and the Ohio Revised Code(ORC) 3704.05(C)(D) for failing to submit Annual VOC emissions report for K001 and K002 by 1/31/08.

Kilroy has been in violation since January 2007. Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that Kilroy submit a blanket statement for operational dates since issuance of PTI #13-04412 that the doors were not kept closed in the K001, K002 work area while painting operations were conducted. Additionally, indicate how daily tracking and reporting will be conducted until the PTO modification is issued; submit monthly HAPs records from January 2007 to the present month including all information specified in PTI #13-04412, Part II(C)(5)(a-g); and submit annual VOC emissions reports for K001 and K002, 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 fourteen (14) 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.

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.

Free assistance with state and/or federal regulations, rules, laws or permit conditions can be provided at no charge through the Ohio EPA Office of Compliance Assistance and Pollution Prevention (OCAPP). OCAPP can be contacted at <http://www.epa.state.oh.us/ocapp> or (614) 644-3469 or (800) 329-7518. CDAQ makes no guarantee that the facility will meet the qualifying guidelines established by OCAPP.

OCAPP can also provide assistance to facilities that want to investigate methods of pollution prevention to reduce raw material usage and waste production. Again, there is no charge for their services.

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 CMC-Kilroy Structural Steel Co.: 13-18-00-0404.

Sincerely,


George Baker

Chief of Enforcement, CDAQ

GB/dd

cc: Greg Gemgnani, Env. Mgr., CMC-Kilroy
John Paulian, Ohio EPA Central Office
Lisa Holscher, U.S. EPA Region V
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