



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 70022030000118087827
RETURN RECEIPT REQUESTED

May 6, 2009

Mr. Randall Slinkard, VP, EHS
Strategic Materials
16365 Park Ten Place, Suite 200
Houston, Texas 77084

NON-HPV

FACILITY ID: 13-18-00-1679

NOTICE OF VIOLATION : Operating without a permit and failure to submit 2006, 2007
and 2008 city permit fees

Dear Mr. Slinkard:

On March 27, 2009, the Cleveland Division of Air Quality (CDAQ) responded to an
air complaint at Strategic Materials (Strategic) located at 2323 West 3rd Street in
Cleveland. This letter serves as notification that you are operating sources in
violation of the following applicable air statutes, air regulations, or air permit
conditions.

Strategic's operation of the Binder and Separation and Sorting Technology (S & S)
MAG 4300 and LAG 7200 ceramic sorter is in violation of the Ohio Administrative
Code (OAC) Rules 3745-31-02 (A) (1) and 3745-35-02 (A), the Ohio Revised Code
(ORC) 3704.05 (F) and (G), and the City of Cleveland Codified Ordinances Chapters
257.01 and 259.02 for operating an emissions source without first applying for and
obtaining a Permit-to-Install/Operate (PTIO) since May, 2008.

Also, Strategic is in violation of the City of Cleveland Codified Ordinance Chapter
263.01 (a) for failing to pay 2006, 2007 and 2008 city permit fees.

Unless you undertake some type of corrective action with respect to the above noted
violations, you will remain in non-compliance. CDAQ requests that Strategic
submit city permit fees within two weeks to the following CDAQ representative:

City Permit Fees
Cleveland Division of Air Quality
75 Erieview Plaza 2nd Floor
Cleveland, Ohio 44114-1839

CDAQ also requests that Strategic submit a PTIO application for the Binder and S



& S MAG 4300 and LAG 7200 ceramic sorter within 30 days to the following CDAQ representative:

David Hearne
Cleveland Division of Air Quality
75 Erieview Plaza 2nd Floor
Cleveland, Ohio 44114-1839

The PTIO application (Form 3150 A), Process Operation (Form 3100, 2003), and Material Handling (Form 3113, 2003) can be downloaded at:

<http://www.epa.state.oh.us/dapc/fops/eac/eacforms.html>

Please note that all permit applications submitted to CDAQ must include original signatures. Photocopied signatures are not valid; the application will not be accepted by CDAQ and will be returned to you if original signatures are not provided.

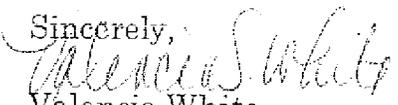
Your written response to this letter providing a timeline for when the PTIO application will be submitted must be received by CDAQ within fourteen (14) days of your receipt of this letter. If there is insufficient time to correct the alleged violations within this timeframe, your response must include a timeline for correcting the alleged violations. Please submit your written response to the following enforcement representative:

Linda Kimmy
Cleveland Division of Air Quality
75 Erieview Plaza 2nd Floor
Cleveland, Ohio 44114-1839

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 Linda Kimmy at 216-664-2985. All correspondence with CDAQ must include the Ohio EPA facility identification number for Strategic: 13-18-00-1679.

Sincerely,


Valencia White

Field Enforcement Manager, CDAQ



VW/LK

cc: John Koch, Plant Manager, Strategic
David Sharp, Production Manager, Strategic
Mike Nejadfard, Maintenance, Strategic
Richard Nemeth and Michael J. Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
Lisa Holscher, U.S. EPA Region V
Facility File and L:\Data\Facilities\1318001679\2009-05-06 NOV.doc

encl: 2006, 2007 and 2008 city permit fee invoices