



City of Cleveland
Frank G. Jackson, Mayor

Department of Public Health
Division of Air Quality
75 Erievew Plaza, 2nd Floor
Cleveland, Ohio 44114-1839
www.clevelandhealth.org

SERVING OHIO EPA AS AGENCY 18
FOR CUYAHOGA COUNTY

CERTIFIED MAIL 70022030000118078870
RETURN RECEIPT REQUESTED

May 29, 2009

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

FACILITY ID: 13-18-00-1679
RECEIPT OF CORRECTIVE ACTION PLAN: NOTICE OF VIOLATION

Dear Mr. Slinkard:

On May 6, 2009, the Cleveland Division of Air Quality (CDAQ) issued a Notice of Violation (NOV) requesting that Strategic Materials, Inc. (Strategic) submit a Permit to-Install/Operate (PTIO) application for the Binder and Separation and Sorting Technology (S&S) MAG 4300 and LAG 7200 ceramic sorter and submit 2006, 2007 and 2008 city permit fees. CDAQ is in receipt of a faxed letter from Strategic dated May 26, 2009 stating your intention to file the PTIO application by June 6, 2009.

CDAQ is also in receipt of 2006, 2007 and 2008 city permit fees dated May 18, 2009. Thank you. Strategic is expected to comply by submitting the PTIO application by June 6, 2009. Failure to do so may result in referral to Ohio EPA or U.S. EPA for further enforcement action. Fulfillment of your commitments included in the corrective action plan and/or any modifications contained within this letter does not constitute a waiver of CDAQ's ability to refer this matter to Ohio EPA or U.S. EPA for further enforcement action.

CDAQ issues this letter with Ohio EPA's concurrence and 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, MPH
Field Enforcement Manager, CDAQ

VW/LK

cc: Mr. John Koch, Cleveland Plant Manager (70022030000118080002)



Mr. David Sharp, Production Manager, Cleveland

Mr. Mike Nejadfard, Maintenance, Cleveland

John Paulian, Ohio EPA Central Office

Lisa Holscher, U.S. EPA Region V

Facility File and L:\Data\Facilities\1318001679\2009 Enforcement\2009-05-06

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05-26-09 13:36 FROM: Strategic Materials 281-647-2710 T-739 P001/001 F-990

STRATEGIC MATERIALS

Tuesday, May 26, 2009

City of Cleveland
Division of Air Quality
75 Erieview Plaza, 2nd floor
Cleveland, Ohio 44114-1839
Attn: Linda J. Kimmy

Via Fax (216)420-8047

Linda,

Strategic Materials, Inc. (SMI) is responding to the Notice of Violation dated May 6, 2009 and it is our intention to file the requested PTIO by June 6, 2009. SMI has retained the services of August Mack Environmental (AME) to assist us in properly completing the PTIO forms and calculating emission factors.

Brooke Myer with AME has been in contact with Mr. Maline, Jr. and based on those discussions SMI will be submitting one (1) PTIO Application (Form 3450A) for the entire facility (not just the Binder and S&S sorter line as requested in the NOV) with Emissions Activity Category Forms 3100 for process operations, Form 3113 for material handling, and Form 3101 for fuel burning operations. Each process line will use a separate Form 3100 and each of the 2 dryers will use a separate Form 3101. One Form 3113 will be used for the facility's material handling. This application will replace the old permits under Facility ID 13-18-00-1679 and one complete, updated permit will be on file for the facility.

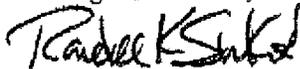
Ms. Myer and Mr. Maline, Jr. also determined that the SCREEN3 model will be sufficient to provide air emission information. Two (2) model runs will be provided, one for the total crushing operations (sum of the total crushing area) and one for the screening operations (sum of the total screening area).

They also discussed PTIO application Section II, Part 4 (BAT Requirements) and determined that permitting the facility under the total, uncontrolled PTE will be sufficient.

As the NOV was dated May 6, 2009 it our intent to complete the PTIO as outlined above and comply with the 30 day deadline of submitting the application to the CDAQ by June 6, 2009.

Kindest regards,

Strategic Materials, Inc.



Randall Slinkard
Vice President - Environmental, Health and Safety