



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 7002 2030 0001 1808 0545
RETURN RECEIPT REQUESTED**

04/30/2007

Midwest Paving and Materials
Joe Bibbo, President
3601 Trumbull Avenue
Cleveland, Ohio 44115-3506

EMISSIONS VIOLATION

**FACILITY ID: 13-18-00-1799
NOTICE OF VIOLATION: VISIBLE EMISSIONS**

Dear Mr. Bibbo:

On 04/23/2007, the Cleveland Division of Air Quality (CDAQ) responded to a complaint regarding smoke in the downtown industrial area and witnessed Midwest Paving Materials, located at 3601 Trumbull Avenue in Cleveland, emitting smoke from the asphalt plant's stack. This letter serves as notification that you are operating an air contaminant source in violation of applicable statutes, regulations, or permit conditions.

Visible emissions were observed coming from your scrubber stack, as determined by U.S. EPA Reference Method 9. On 04/23/2007, Midwest Paving Materials' operation of emissions unit P904, a Boeing Drum Mix Asphalt Plant, was observed emitting visible emissions of 98% for the first consecutive six minutes and 95% for the second consecutive six minutes.

The visible emissions exceeded the 5% limitation in your permit-to-install 13-2272-M issued on June 18, 1993, and opacity limitations of Ohio Administrative Code (OAC) Rule 3745-17-07(A)(1)(a) and (b). These are also violations of OAC Rule 3745-31-05(A)(3) and Ohio Revised Code (ORC) Section 3704.05(A), (C), and (G).

Additionally, after careful file review CDAQ has noticed that Midwest Paving and Materials has not submitted permit-to-install (PTI) applications for 3 emissions units associated with the asphalt plant (installed 06/1981):

- F001 – plant roadways and parking areas
- F002 – storage piles
- F008 – material handling

Not submitting PTI applications is a violation of OAC Rule 3745-31-02(A)(1) and ORC Section 3704.05(F) and (G)



On 02/01/2007, the CDAQ issued a Receipt of Corrective Action Plan (RCAP) notifying you that CDAQ is in receipt of a corrective action plan (CAP) from Eagle Consulting on 01/03/2007, noting the scrubber system and drum burner control as a problem for excess visible emissions. The CAP also noted that repairs to the above noted problems should be completed on or before 01/17/2007. Due to the reoccurring problems regarding visible emissions, CDAQ requests that Midwest Paving and Materials submit a detailed report of repairs done on the scrubber system and drum burner control.

The RCAP also noted the following infractions to which CDAQ has not received any response:

Midwest Paving and Materials' emissions unit P904 has permit allowable limitations of 0.028 grains per dry standard cubic foot, no visible emissions over 5% opacity from the exhaust gases, and the allowable particulate emissions limitation of 4.3 pounds per hour (see PTI 13-2272-M). Because of the recent opacity violations, CDAQ cannot verify Midwest Paving and Materials' compliance with all of the above stated limitations. As authorized by OAC 3745-15-04(A), to demonstrate compliance with above noted limitations, CDAQ is requesting Midwest Paving and Materials to conduct a performance test on emissions unit P903 within 2 months of your receipt of this letter on emissions unit P904. The performance tests should be conducted while the emissions unit is operating at or near maximum capacity. Please note that the Midwest Paving and Materials is required to notify the CDAQ in writing of the time, place, and person who will conduct the tests.

Moreover, on 01/30/2007, the CDAQ inspected the files for Midwest Paving and Materials located at 3601 Trumbull Avenue in Cleveland and noticed that you are operating sources in violation of the following applicable air statutes, air regulations, or air permit conditions.

Midwest Paving and Materials has not submitted quarterly deviation reports for 3 emissions units associated with the asphalt plant:

- F001 – plant roadways and parking areas
- F002 – storage piles
- F008 – material handling

CDAQ has not received any quarterly deviation reports since the PTOs for all 3 above stated emissions units were issued on 06/30/1999. As stated in the each PTO, the quarterly deviation reports are to be submitted by January 31, April 30, July 31, and October 31 of each year. Not submitting appropriate quarterly deviation reports is a violation of each PTO's general terms and condition, Part I, 3, b. and ORC Section 3704.05(C).

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that Midwest Paving and Materials submit corrective action plan for the above stated violations to the following enforcement representative:



David Wagner
Cleveland Division of Air Quality
1925 St. Clair Ave. NE
Cleveland, OH 44114-2080

Your written response to this letter must be received by CDAQ within 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.

The appropriate permit application and supplemental forms are included with this letter. 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.

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 \$25,000 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 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 the OCAPP.

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. If you have any questions, please call David Wagner at 216/664-3004. All correspondence with CDAQ must include the Ohio EPA facility identification number for Midwest Paving: 13-18-00-1799.

Sincerely,

George P. Baker
Chief of Enforcement, CDAQ

GPB/dlw:nra

cc:

Steve DeJarnette, Eagle Consulting
Richard Nemeth and Michael J. Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
Lisa Holscher, U.S. EPA Region V
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encl: permit to install applications and EAC forms