



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 70022030000118087841
RETURN RECEIPT REQUESTED

June 3, 2009

Mr. James E. Conlon
Stein, Inc.
1929 East Royalton Road
Broadview Heights, Ohio 44147

HIGH PRIORITY FACILITY
HIGH PRIORITY VIOLATOR – GENERAL CRITERION 5

FACILITY ID: 13-18-00-3929

NOTICE OF VIOLATION : Submitting an inaccurate Annual Title V Compliance Certification, failure to submit 2009 first quarter deviation reports and failure to pay 2006, 2007 and 2008 city permit fees

Dear Mr. Conlon:

On May 13, 2009, the Cleveland Division of Air Quality (CDAQ) completed a Partial Compliance Evaluation (PCE) of Stein, Inc. (Stein) located at 2032 Campbell Road in Cleveland. This letter serves as notification that you are in violation of the following applicable air statutes, air regulations, or air permit conditions.

Stein submitted an inaccurate electronic annual Title V Compliance Certification on April 30, 2009, stating Stein has been in "continuous" compliance in 2008, however upon a thorough records review CDAQ has determined that Stein was in intermittent compliance in 2008.

This determination is based on the following: On September 18, 2007, CDAQ issued a Notice of Violation (NOV) requesting Stein to submit a new Title V permit application identifying all significant and non-insignificant emission units, submit a quarterly deviation corrective action report for any moisture content that drops below 4%, and begin submitting quarterly moisture content deviation reports in accordance with the Title V permit. On October 29, 2007, CDAQ sent another letter requesting an amended Title V permit application to include C5/C6 blast furnace pit digging operations with all significant and non-insignificant emission units by December 14, 2007. Stein submitted the amended Title V permit application on January 8, 2008; however, this application was not complete. Stein submitted a subsequent amended Title V application on February 19, 2008, which included EU F014: East side oxygen lancing operation, a previously unpermitted emission unit.



According to the amended permit application EU F014 was installed on June 1, 1952; thus Stein was not in "continuous" compliance for 2008.

This is a violation of 40 Code of Federal Regulations (CFR) Section 70.5 (d), the Ohio Revised Code (ORC) 3704.05 (C) & (H) (2), and the Ohio Administrative Code (OAC) Rule 3745-77-03 (D).

Stein failed to electronically submit 2009 first quarter deviation reports in violation of the requirements of the General Terms and Conditions Part I (B) (6) of their annual Title V permit and the OAC Rule 3745-77-07 (A) (3) (c) for emission units (EU) F003: #2 BOF Slag Pits, F005: Storage piles of sized slag, F006: Slag processing – slag crushing, screening, and handling operation, F007: Drop ball operation – oversized slag processing, F008: Skim pot dumping – skim pot dumping and cooling operation, F009: Material handling, and F010: Storage piles – Storage pile excavation. Title V facilities were required to start submitting quarterly deviation reports electronically beginning with the fourth quarter of 2008.

In addition, Stein failed to pay 2006, 2007 and 2008 city permit fees, which is a violation of the City of Cleveland Codified Ordinances Chapter 263.01 (a) (2).

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that Stein submit a corrected annual Title V Compliance Certification within 14 days of receipt of this letter.

Also, on the corrected annual Title V Compliance Certification please include the correct facility address for premise number 13-18-00-3929. The address submitted on the 2008 annual Title V Compliance Certification submitted electronically on April 30, 2009, is shown as 3100 East 45 Street in Cleveland, not 2032 Campbell Road in Cleveland. In addition, please include the physical address of Stein in your eBusiness facility profile, as well as the mailing address.

CDAQ also requests that 2006, 2007 and 2008 city permit fees be submitted within 30 days of receipt of this letter to the following CDAQ representative:

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

If there is insufficient time to correct the alleged violations within this timeframe, your written response must include a timeline for correcting the alleged violations and be submitted within 14 days of receipt of this letter 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 Stein: 13-18-00-3929.

Sincerely,

A handwritten signature in cursive script, appearing to read "Valencia White".

Valencia White, MPH
Field Enforcement Manager

VW/LK

cc: Mr. Dave Bilek, Stein, Superintendent
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\1318003929\Enforcement\2009-05-13 NOV.doc

encl: 2006, 2007 and 2008 city permit fee invoices