



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 4789
RETURN RECEIPT REQUESTED

September 22, 2008

Donald Joyce
Mid-Continent Coal & Coke Company
20600 Chagrin Boulevard Suite 850
Cleveland, OH 44122

NON-HPV

FACILITY ID: 13-18-00-6271

NOTICE OF VIOLATION: Operating without Permit to Install/Operate and City Permits

Dear Mr. Joyce:

On September 5, 2008, the Cleveland Division of Air Quality (CDAQ) responded to a dust complaint at Mid-Continent Coal & Coke Company located at 761 Stones Levee 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.

Mid-Continent Coal & Coke Company has been operating material handling processes involving truck dumping, front-end loading and conveying, screeners, roadways and storage piles without required air permits since March 18, 2004 (date previous permit expired). This is a violation of Ohio Administrative Code 3745-31-02 (A) and Ohio Revised Code 3704.05 (G).

Also, Mid-Continent Coal & Coke Company has not paid city permit fees to CDAQ since 11/2/06 for emission unit F001: Metallurgical Coke Screening and Bulk Storage Facility, with Vehicular Traffic In and Out.

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that Mid-Continent Coal & Coke Company submit permit applications for all air emissions sources and city permit fees for 2007 and 2008 to:

David Hearne
Cleveland Division of Air Quality
1925 St. Clair Avenue NE
Cleveland, Ohio 44114-2080



Reprints of city permit invoices for 2007 and 2008 are attached.

State permit applications can be found at the following website:
<http://www.epa.state.oh.us/dapc/fops/eac/eacforms.html>. Should you have any permitting questions, please call Sarah Rehner at (216) 664-2129.

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.

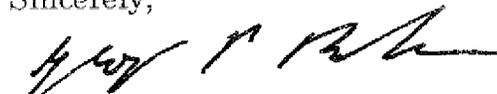
Violations of Ohio air pollution laws and /or permit terms and conditions are subject to the penalties stipulated in Ohio Revised Code Section 3704.99(A), which allows fines of not more than twenty-five thousand dollars or imprisonment for not more than one year, or both, for each violation.

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 Andrew Marantides at (216) 420-8049. All correspondence with CDAQ must include the Ohio EPA facility identification number for Mid-Continent Coal & Coke Company: 13-18-00-6271.

Sincerely,



George Baker

Chief of Enforcement, CDAQ

GB/AM

cc: David Hearne and Sarah Rehner, CDAQ
John Paulian, Ohio EPA Central Office
Lisa Holscher, U.S. EPA Region V
Facility File and L:\Data\Facilities\1318006271\2008-09-05 NOV.docx

SENDER: COMPLETE THIS SECTION

COMPLETE THIS SECTION ON DELIVERY

- Complete items 1, 2 and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature Agent
 Address
[Handwritten Signature]

B. Received by (Printed Name) _____ C. Date of Delivery *9-25-01*

1. Article Addressed to: *00-6271*
Donald Joyce
Mid-Continent Coal & Coke Company
20600 Chagrin Boulevard Suite 850
Cleveland, OH 44122

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number *7002 2030 0001 1808 4789*
 (Transfer from service label)