



City of Cleveland
Frank G. Jackson, Mayor

Department of Public Health
Division of Air Quality
75 Erieview Plaza, Suite 200
Cleveland, Ohio 44114-1839
216/564-2297 • Fax: 216/420-8047
www.clevelandhealth.org

SERVING OHIO EPA AS AGENCY 13
FOR CUYAHOGA COUNTY

CERTIFIED MAIL 7009 1680 0002 1786 6922
RETURN RECEIPT REQUESTED

3/19/10

Doug McKinzie, Co-President
Novagard Solutions, Inc.
5109 Hamilton Ave.
Cleveland, OH 44114-39070

NON-HPV

FACILITY ID: 13-18-00-7976

NOTICE OF VIOLATION: failure to submit a permit-to-install/operate (PTIO) application and failure to obtain city permits to operate

Dear Mr. McKinzie:

On 2/19/10, the Cleveland Division of Air Quality (CDAQ) inspected Novagard Solutions, Inc. (Novagard) located at 5109 Hamilton Avenue 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.

Novagard's operation of P002: a silicone adhesive manufacturing process is in violation of OAC Rules 3745-31-02(A) and the ORC Sections 3704.05(F) and (G). Novagard has been operating this emission unit since 1994 without applying for the applicable installation and operating permit as required by state rules.

CDAQ has not received calendar years' 2006, 2007 and 2008 City of Cleveland Air Contaminant Source fees for emission units P001: PVC foam manufacturing line with afterburner, P002, P003: silicone grease manufacturing process, B001 and B002: two (2) 4.184 MMBTU/hr boilers. CDAQ has also not received calendar year 2009 Air Contaminant Source fees for emission units P002 and P003. This is a violation of City of Cleveland Codified Ordinances 259.01 and 263.01.

Unless you undertake corrective actions with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that Novagard submit Cleveland Contaminant Source fees and a PTIO application to the following enforcement representative:



City Permits Section c/o David Wagner
Cleveland Division of Air Quality
75 Erieview Plz., 2nd Floor
Cleveland, OH 44114-1839

Your written response to this letter must be received by CDAQ within 28 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 form(s) are available at the Ohio EPA's website: <http://epa.ohio.gov/dapc/fops/eac/eacforms.aspx>. 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 ORC 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 the Ohio EPA Office of Compliance Assistance and Pollution Prevention (OCAPP). OCAPP can be contacted at <http://www.epa.ohio.gov/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. 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 Novagard: 13-18-00-7976.

Sincerely,

George P. Baker
Chief of Enforcement

GB/dlw

SENDER: COMPLETE THIS SECTION

- 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.

1. Article Addressed to: 00-7976 NOV

NOVAGARD
5109 HAMILTON AVE
CLEVELAND, OH 44114

COMPLETE THIS SECTION ON DELIVERY

A. Signature: [Handwritten Signature] Agent
 Addressee

B. Received by (Printed Name): [Handwritten Name] C. Date of Delivery: 13-24-10

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

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Transfer from service receipt