



City of Cleveland
Frank G. Jackson, Mayor

Department of Public Health
Division of Air Quality
75 Erieview Plaza, Second Floor
Cleveland, Ohio 44114-1839
216/664-2297 • Fax: 216/420-8040
www.clevelandhealth.org

**SERVING OHIO EPA AS AGENCY 13
FOR CUYAHOGA COUNTY**

**CERTIFIED MAIL 7003 1010 0004 2923 2617
RETURN RECEIPT REQUESTED**

August 18, 2010

Michael Dunn
Essroc Cement Corp.
1101 Erieside Ave. Extended
Cleveland, OH 44114

NON-HPV

FACILITY ID: 13-18-00-8065

NOTICE OF VIOLATION : failure to submit a permit to install/operate application and failure to submit written annual reports

Dear Mr. Dunn:

On July 23, 2010, the Cleveland Division of Air Quality (CDAQ) inspected Essroc Cement Corp. (Essroc) located at 1101 Erieside Avenue in Cleveland, Ohio. This letter serves as notification that you are operating sources in violation of the following applicable air statutes, air regulations, or air permit conditions.

Essroc's operation of F001: paved plant roadways and paved parking areas and P901: pneumatic loading in air gravity loading out of two cylindrical concrete cement silos system are in violation of the OAC Rules 3745-31-02(A) and the Ohio Revised Code (ORC) Sections 3704.05(F) and (G). Essroc has been operating these emission units since December 1, 1997 without applying for the applicable installation and operating permits (PTIO) as required by state rules.

Essroc's operation of F001 is in violation of PTI #13-3239, Additional Special Terms and Conditions, Part F and ORC Section 3704.05(C). Essroc failed to submit written annual reports on the number of visual and physical inspections conducted and the number of vacuum sweepings made for the previous calendar year.

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that Essroc submit permit-to-install/operate applications for F001 and P901 to the following address within 30 days of receipt of this letter:



Permit Section
Cleveland Division of Air Quality
75 Erieview Plz., 2nd Fl.
Cleveland, OH 44114-1839

In addition, CDAQ requests Essroc submit an annual report that includes the number of visual and physical inspections conducted and the number of vacuum sweepings made for calendar year 2009 within 30 days of receipt of this letter and sent to the following enforcement representative:

David Wagner
Cleveland Division of Air Quality
75 Erieview Plz., 2nd Fl.
Cleveland, OH 44114-1839

Your written response to this letter must be received by CDAQ within 30 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.

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.

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 Essroc: 13-18-00-8065.

Sincerely,

George P. Baker
Chief of Enforcement

GPB/dlw

cc: Michael J. Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
Lisa Holscher, U.S. EPA Region V
Facility File and L:\Data\Facilities\1318008065\2010-07-23 NOV.docx

Encl.: PTIO application and emission category form

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: 00-8065 NOV

MICHAEL DUNN
ESSROC CEMENT CORP.
1101 ERIESID AVE
CLEVELAND OH 44114

2. Article
(Trans)

7003 1010 0004 2923 2617

COMPLETE THIS SECTION ON DELIVERY

A. Signature

[Handwritten Signature]

- Agent
 Addres

B. Received by (Printed Name)

BRIAN O'NEILL

C. Date of Deliv.

8-25-10

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



Essroc
Italcementi Group

Essroc Cement Corp. Tel 610-837-6725
3251 Bath Pike Fax 610-837-2564
Nazareth, PA 18064

September 24, 2010

George P. Baker
Chief of Enforcement
Cleveland Division of Air Quality
75 Erievue Plaza, Suite 200
Cleveland, Ohio 44114-1839

SEP 27 2010

Re: Facility ID 13-18-00-8065, Notice of Violation dated August 18, 2010

Dear Mr. Baker:

On August 25, 2010, Essroc Cement Terminal (OEPA facility ID 13-18-00-8065) received a Notice of Violation from your office for "failure to submit a permit to install/operate application and failure to submit written annual reports". The letter specifically requested that within 30 days of receipt Essroc submit

- permit-to-install/operate (PTIO) applications for F001 and P901 and
- a report that includes the number of visual and physical inspections conducted and the number of vacuum sweepings made for calendar year 2009.

Upon receipt of your letter Essroc personnel began an internal review to gather and evaluate all permit applications previously submitted to your office. In addition, Essroc has had a FOIA request made on our behalf to receive copies of the Cleveland Division of Air Quality files. Our investigation continues, and we are not yet prepared to submit the requested PTIO application. In order to ensure a thorough and complete response, Essroc is requesting an additional 90 days to complete any application that may be required.

In 2009 there were 251 physical and visual inspections made of the entire Essroc Terminal which includes the paved roadway. These inspections were recorded daily on our Safety Inspection Report which was shared with Mr. Wagner during his inspection on July 23, 2010. Since no exceptions were noted for dust on the roadways, no vacuum sweepings were performed in 2009. At various times litter such as, plastic bottles, cups, and paper, was noted and picked up. On four occasions power washing was performed to clean up goose droppings on the terminal roadways.

Please note that we have sent a copy of this response to Mr. Wagner with the intent that this letter will serve as the requested 2009 annual report. If you have any additional questions at this time please contact me by telephone, 610-837-3336, or email, david.constant@essroc.com.

Sincerely,

A handwritten signature in cursive script that reads "David Constant".

David Constant
Senior Environmental Engineer

Cc: David Wagner, CDAQ
Michael Dunn, Essroc Cleveland
Brian Costenbader, Essroc Bath
Ron Weiss, Essroc Frederick
Gary Molchan, Essroc Bath
Inaas Darrat, Trinity Columbus OH