

CERTIFIED MAIL

Mr. Michael Shemo
Owner
Ledcor Industries, Incorporated
18660 Midwest Road
Oakbrook Terrace, Illinois 60181

**Re: Notification of Violation: Fugitive Dust Emissions from Ledcor Industries,
Golden Gate Blvd., Mayfield Heights, Ohio**

Dear Mr. Shemo:

My staff has informed me of the violations of Ohio Administrative Code ("OAC") Rule 3745-17-08 (restriction of emissions of fugitive dust) and OAC Rule 3745-17-07(B)(5) (control of visible particulate emissions) associated with Ledcor Industries' operation of the Costco construction site located on Golden Gate Blvd., in Mayfield Heights, Ohio.

On June 18 and July 1, 3, 8, 10 and 20, 2002, the Cleveland Local Air Agency ("Cleveland LAA"), Ohio EPA's contractual representative in Cuyahoga County, received complaints from citizens regarding fugitive dust emissions from the Costco construction site. In response to the complaints, the Cleveland LAA inspected the location on July 5, 2002 to determine the effectiveness of the dust suppression system for the unpaved roadways. Although a water truck was observed to be watering the roadways during the time of the inspection, no logs of water application were being kept. The Cleveland LAA conducted a USEPA Method 22 test for visible particulate emissions to determine compliance with OAC Rules 3745-17-07(B)(5) and 3745-17-08(B). The Method 22 test showed a total of 14 minutes and 17 seconds of visible particulate emissions in a 45-minute period. These test results are in excess of the 13 minutes allowed in a one-hour period, and in violation of OAC Rule 3745-17-07(B)(5) and ORC § 3704.05(A) and (G). Further, the results indicated that the facility was not employing sufficient reasonably achievable control measures for dust control, in violation of OAC Rule 3745-17-08(B) and ORC § 3704.05(G). During the inspection, the Cleveland LAA was informed that Ledcor was exploring alternative methods of dust suppression and that it would advise the Cleveland LAA of its progress in finding a suitable dust control program.

On July 8, 2002, the Cleveland LAA issued a Notice of Violation ("NOV") to Ledcor for the

visible particulate emissions from the unpaved roadways in excess of 13 minutes in a one-hour period, in violation of OAC Rule 3745-17-07(B)(5) and ORC § 3704.05(A) and (G).

By letter dated July 8, 2002, Ledcor submitted a corrective action plan to the Cleveland LAA that stated that the roadways at the location would be watered every 45 minutes during dry periods and a log would be kept to confirm the date and time of the watering.

On July 11, 2002, the Cleveland LAA again inspected the Costco construction site in response to complaints received on June 18 and July 1, 3, 8, and 10, 2002, regarding fugitive dust emissions. During the inspection, the Cleveland LAA asked to review the watering logs. Review of the logs showed that no watering had taken place on either July 10 or 11, 2002. Cleveland LAA conducted a USEPA Method 22 test for visible particulate emissions to determine compliance with OAC Rules 3745-17-07(B)(5) and 3745-17-08(B). The results of the Method 22 test showed 14 minutes and 12 seconds of visible particulate emissions in a one-hour period, in excess of the 13 minutes allowed in a one-hour period, in violation of OAC Rule 3745-17-07(B)(5) and ORC § 3704.05(A) and (G). These results indicated that the facility was not employing sufficient reasonably available control measures for dust control, in violation of OAC Rule 3745-17-08(B) and ORC § 3704.05(G).

On July 17, 2002, the Cleveland LAA issued a second NOV to Ledcor for the visible particulate emissions from the unpaved roadways in violation of OAC Rule 3745-17-07(B)(5). The NOV also stated that the measures in the corrective action plan submitted by Ledcor on July 8, 2002, were not being followed. Cleveland LAA requested that a new corrective action plan be submitted within 10 days of receipt of the NOV.

On July 18, 2002 The Cleveland LAA hand delivered the second NOV to Ledcor. The inspector from The Cleveland LAA noted that during the time he was on site to deliver the NOV he observed a water truck watering the roadways in accordance with the corrective active plan submitted by Ledcor.

On July 25, 2002, the Cleveland LAA met with representatives from Ledcor to discuss compliance issues at the site, including resolution of any issues outstanding from the two NOV's that had been issued to Ledcor. The Cleveland LAA advised Ledcor on possible measures that it could implement to control fugitive dust emissions, and explained in detail the USEPA Method 22 test.

Construction at the Costco construction site has been completed, and the site is now developed. This Agency requests that Ledcor comply with OAC Rules 3745-17-07(B) and 3745-17-08(B) at all future construction sites by employing reasonably available control measures to minimize or eliminate visible particulate emissions of fugitive dust.

Prior to any future construction activity in Cuyahoga County, this Agency requests that Ledcor notify the Cleveland LAA, in writing, at least five (5) days prior to the

Mr. Michael Shemo
Ledcor Industries, Inc.
Page 3 of 3

commencement of construction. Please address this written notification to the Chief of Field Enforcement of the Cleveland LAA at the following address:

Cleveland Local Air Agency
Department of Public Health
1925 St Clair Avenue
Cleveland, Ohio 44114

If Ledcor fails to comply with all relevant air pollution control regulations during any future construction activity, Ohio EPA will consider alternative enforcement options, including referral of this matter to the Office of the Attorney General for appropriate enforcement action, or issuance of Director's Findings and Orders with an appropriate civil penalty.

If you have any questions concerning this letter, please contact Andrew D. Shroads of the Cleveland LAA at (216) 664-3213 or Paul Cree of the Ohio EPA, Central Office, at (614) 644-4840. If you have any legal questions concerning this matter, please contact Eva Brault of the Ohio EPA Legal Office at (614) 644-3037.

Your prompt attention to this matter is appreciated.

Sincerely,

Christopher Jones
Director

xc: Jim Orlemann, DAPC
Tom Kalman, DAPC
Paul Cree, DAPC
Eva Brault, Legal Office
Andrew Shroads, Cleveland

CJ:PC:pc