

**CERTIFIED MAIL**

Mr. Douglas M. Rohrs  
Manager, Environmental, Health, and Safety  
Stoneco, Incorporated  
P.O. Box 29A  
Maumee, Ohio 43537

**Re: Violations of Fugitive Dust Emission Control Requirements at Stoneco, Incorporated's Cleveland Asphalt Plant**

Dear Mr. Rohrs:

My staff has informed me of the violations of air pollution control requirements that continue to occur at the Stoneco, Incorporated ("Stoneco") Cleveland Asphalt Plant, located at 900 Clark Avenue, Cleveland, Ohio. The violations involve the excessive emissions of fugitive dust from emissions units F009 (Plant Roadways and Parking Areas) and P923 (300 tons per hour drum mix asphaltic concrete plant), in violation of Ohio Administrative Code ("OAC") Rule 3745-17-07(B)(1), Permit to Install ("PTI") # 04-948, and Ohio Revised Code ("ORC") § 3704.05(A), (C) and (G). Stoneco submitted responses to the notice of violation ("NOV") letters the Cleveland Local Air Agency ("CLAA"), Ohio EPA's contractual representative in Cuyahoga County, issued to Stoneco concerning these violations. The purpose of this letter is to formalize Stoneco's control plan and ensure that such violations do not recur. The following summarizes the violations that occurred.

On September 29, 2000, CLAA conducted a USEPA Method 22 test for visible particulate emissions from emissions unit F009, to determine compliance with the terms and conditions of PTI # 04-948. PTI # 04-948 requires no visible particulate emissions from unpaved roadways and parking areas except for a period of time not to exceed three minutes during any sixty-minute observation period. The inspector from CLAA observed visible particulate emissions from the unpaved roadways of emissions unit F009 for a period in excess of eleven minutes during a sixty-minute observation period, in violation of the PTI and ORC § 3704.05(C).

On October 10, 2000, CLAA issued an NOV to Stoneco for the visible particulate emission

violation. The NOV required Stoneco to submit a plan of corrective action to CLAA within 14 days of receipt of the NOV.

By letter dated October 23, 2000, Stoneco submitted a response to the NOV. In the response to the NOV, Stoneco indicated its intention to increase the frequency of dust suppressant applications, to continue watering when visible particulate emissions are present, and to apply for a permit modification to replace the BAT determination in the PTI with the emission limitations from OAC rules. Stoneco submitted a PTI modification application to CLAA on October 4, 2000. The PTI modification application was not able to be processed since a best available technology study was not submitted and, therefore, the limitations in the PTI remain unchanged.

On September 16, 2002, an inspector from CLAA conducted a USEPA Method 9 test for visible particulate emissions to determine compliance with OAC rules at the Cleveland Asphalt Plant. At the time of the inspection, emissions unit P923, a 300 tons per hour drum mix plant, was observed to be emitting visible particulate emissions of fugitive dust of 22.9% opacity, as a three-minute average, for the first six consecutive minutes, from the material storage silos. This was a violation of the 20% opacity, as a three-minute average, limitation in PTI #04-948, OAC Rule 3745-17-07(B)(1), and ORC § 3704.05(A), (C) and (G).

Stoneco was issued an NOV for this violation on September 20, 2002. The NOV requested Stoneco to submit a corrective action plan within 14 days of receipt of the NOV. The corrective action plan was to include a timetable detailing when the violation cited in the NOV would be corrected.

By letter dated October 7, 2002, Stoneco responded to the NOV. The response, however, failed to address any of the requests made by CLAA in the NOV. On December 4, 2002, CLAA issued a Receipt of Corrective Action Plan ("RCAP") notifying Stoneco that it had yet to receive a sufficient response to the visible particulate emission violations associated with emissions unit P923. The RCAP requested the submission of a satisfactory corrective action plan to correct the excessive fugitive emissions from emissions unit P923.

By letter dated January 7, 2003, Stoneco responded to the RCAP and outlined the following corrective actions that would be taken:

- the plant operator will make visual observations of the storage silos every 15 minutes after daily start-up until the first 100 tons have been loaded in the silos;
- the results of these observations will be recorded on the daily asphalt preventative maintenance ("PM") log sheets;

- if unusually high amounts of visible particulate emissions are observed from the storage silos, the operator will notify Stoneco's EHS Department;
- the operator will investigate the cause of the emissions and make corrections as necessary; and
- if it is determined that the emissions resulted from a malfunction of the emissions unit, pursuant to OAC Rule 3745-15-06(B)(1), Stoneco shall immediately contact CLAA at (216) 441-7443. If the emissions are determined not to have resulted from a malfunction, Stoneco shall notify CLAA within 48 hours of the event.

CLAA and Ohio EPA have reviewed and approved the corrective action plan that was submitted by Stoneco on January 7, 2003.

On April 25, 2003, an inspector from CLAA, conducted a USEPA Method 22 test for visible particulate emissions from emissions unit F009 in response to a complaint received. The inspector observed visible particulate emissions from the unpaved roadways of emissions unit F009 for a period of twenty-two minutes in the one-hour observation period. The duration of these visible emissions exceeded the three minute limitation in PTI # 04-948 and the thirteen minute visible emission limitation of OAC Rule 3745-17-07(B)(5). The emissions also constitute a violation of ORC § 3704.05(A), (C) and (G).

By letter dated April 28, 2003, Stoneco was issued an NOV for the April 25, 2003 violation. The NOV requested Stoneco to submit a corrective action plan within 14 days of receipt of the NOV, for emissions unit P009. The corrective action plan was to include a timetable detailing when the violations cited in the NOV would be corrected.

By letter dated May 12, 2003, Stoneco responded to the NOV and outlined the following corrective actions that would be taken:

- the plant operator will make visual observations of the roadways at least three (3) times per day;
- the results of these observations will be recorded on the daily asphalt PM sheets; and
- if visible particulate emissions are observed on the roadways, the operator will apply water or other suitable dust suppressant.

By letter dated May 20, 2003, CLAA informed Stoneco that the corrective action plan it had submitted was satisfactory.

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If Stoneco fails to follow the corrective action plans outlined above for either emissions unit P009 or P923 and/or continues to violate the rules and laws identified above, Ohio EPA will consider alternative enforcement options, including pursuing civil penalties for the violations.

If you have any questions concerning this letter, please contact Andrew D. Shroads of the Cleveland LAA at (216) 664-4010 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 will be appreciated.

Sincerely,

Christopher Jones  
Director

xc: Jim Orlemann, DAPC-CO  
Tom Kalman, DAPC-CO  
Paul Cree, DAPC-CO  
Eva Brault, Legal Office  
Andrew Shroads/Nelson Andrekovic, Cleveland LAA

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