

## Response to Comments

**Project: Kokosing 519 Asphalt Plant permit modification request to increase production and use slag in the asphalt mix  
Ohio EPA ID #: 01-42-00-0095, Permit P0104613**

### **Agency Contacts for this Project**

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Ohio EPA held a public hearing on October 8, 2009 regarding a proposed permit modification for the Kokosing 519 portable asphalt plant. This document summarizes the comments and questions received at the public hearing, which ended on October 15, 2009.

Ohio EPA reviewed and considered all comments received during the public comment period. By law, Ohio EPA has authority to consider specific issues related to protection of the environment and public health. Often, public concerns fall outside the scope of that authority. For example, concerns about zoning issues are addressed at the local level. Ohio EPA may respond to those concerns in this document by identifying another government agency with more direct authority over the issue.

In an effort to help you review this document, the questions are grouped by topic and organized in a consistent format.

### **Asphalt Plant Location**

**Comment 1:**           **How can this plant be portable if it has been at the same location since the 1930's?**

**Response 1:**       The Ohio EPA uses the term “portable” to describe facilities that may be moved to different locations without needing a new permit. There has been an asphalt plant in operation at the 13700 McCracken Road location since the 1930's. The old plant that was operated by Schloss was permitted as a portable plant but did not change locations. The Kokosing 519 plant is currently being operated at the location and has

been since the beginning of 2009. The Kokosing 519 plant is also considered portable which means that it may move to another location (with prior approval from Ohio EPA) if the company chooses to relocate it. The permit requirements for portable sources are identical to those that maintain a permanent location.

**Comment 2:** **One commenter requested that there be a “buffer zone” between the asphalt plant and the neighborhood to ensure the health and safety of the neighbors.**

**Response 2:** Extensive computer modeling has been performed and reviewed to evaluate Plant 519’s ambient air impact on the surrounding community. Based upon this modeling, Ohio EPA has concluded that the ambient air impact will be acceptable and the health and safety of the neighborhood will be ensured.

#### Permit Issues

**Comment 3:** **Has an asphalt plant ever been denied a permit they requested?**

**Response 3:** The Central District Office is not aware of any asphalt permits being outright denied by Ohio EPA. There have been numerous permits, however, that have been modified to address location-specific concerns, based on comments received on a draft permit. The Kokosing 519 plant permit is a situation where, based on comments received by citizens, the requirements of the permit have changed. In addition, Kokosing has agreed to make improvements to the facility not required by the permit in order to address concerns of neighbors. Specifically, the following changes to the plant or permit are being made:

- 1.) Increasing the stack height of the primary emissions source of the asphalt plant by 17 feet (to a total of 55 above ground). The additional stack height will help keep the emissions aloft so they will have less impact on the nearby neighborhood.
- 2.) Adding vapor “blue smoke” condensers to the asphaltic concrete tanks to reduce air emissions. The condenser is a heat exchanger used as a vent of the tank. It condenses hot gas vapors into liquid that is

returned to the tank, reducing the amount of vapors released into the air.

- 3.) Replacing the old slat conveyors that had wooden lids and no seals with new metal lids and rubber seals for each opening. This is expected to help reduce the amount of fugitive dust generated from the conveying operations.
- 4.) Accepting a restriction in the permit to only use natural gas as fuel when adding slag to the asphalt mix. This will greatly reduce the potential for emissions of sulfur dioxide when operating with slag, minimizing the impacts on the surrounding neighborhood.

**Comment 4:** It was suggested that the testing of the plant required by the permit should occur at times other than during the day and at production rates less than “at maximum” in order to get more representative information.

**Response 4:** Substantial evidence exists that indicates emissions from an asphalt plant increase as the amount of asphalt produced increases. Therefore, the greatest emission rate of a pollutant is expected at the highest production weight achievable by the asphalt plant. The permit requires emissions testing at the maximum asphalt production rate. Ohio EPA is unaware of any information indicating that asphalt emissions are affected by the time of day that the plant is in operation.

**Comment 5:** A commenter requested that the “burner tuning” requirements in the permit be required more frequently (suggested monthly).

**Response 5:** The current burner tuning frequency is the same as that required for a significant number of asphalt plants statewide and has a demonstrated history of effectively minimizing emissions.

**Comment 6:** A commenter requested that the permit be changed to require testing that is triggered by a change of fuel type to occur within 3 days of the change instead of 60 days.

**Response 6:** From a practical perspective, the 60 days specified in the permit is considered necessary in order for Ohio EPA and

Kokosing 519 to coordinate and schedule testing. An intent to test notification for each test that is required by a permit to demonstrate compliance must be submitted to Ohio EPA at least 30 days before the scheduled test date. The notification must be reviewed for completeness and accuracy by Ohio EPA in order to ensure the testing will meet the requirements of the permit and effectively demonstrate whether the plant is in compliance.

**Comment 7:** **A commenter suggested adding a requirement to the permit to sample the used oil tank on a biweekly basis because it is possible for additional oils to be dumped in the tank from undocumented sources such as the vehicle repair shop.**

**Response 7:** The permit is very specific about the records the facility is required to maintain in order for them to burn used oil as fuel. The employment of used oil without the required documentation would be a permit violation for which Ohio EPA could pursue an enforcement action. Moreover, the permit requires a detailed analysis for all used oil employed by the plant.

#### Health Effects

**Comment 8:** **Several neighbors expressed concerns about the number of children playing outside in the neighborhood and potential health effects from the operation of the asphalt plant.**

**Response 8:** Ohio EPA performs a thorough review of permit applications, additional information provided by the applicant, and other reference sources to determine if the facility can comply with existing air pollution regulations. This review includes performing a full air toxic pollutant evaluation to determine if sensitive populations will be adversely affected. The standards in place are health-based standards, and are designed to be protective of sensitive populations like children and the elderly.

If issued, the permit for this facility would allow some pollutants to be released into the atmosphere. While Ohio EPA cannot predict with absolute certainty how the allowable emissions will impact every individual living near the facility, the Agency does believe that the controlled emissions levels

from the facility will not adversely affect the health and welfare of citizens in the vicinity of the facility.

**Comment 9:** **Several neighbors stated that they occasionally experience burning eyes and throat when the plant is operating.**

**Response 9:** The facility is making several changes to the plant design and operation that should help to reduce the impact of the emissions. The changes are detailed in Response 3 and included in the final permit. Citizens may also contact Bryan Sokolowski at the City of Cleveland, Division of Air Quality at (216) 420-7663, if additional incidents occur to request an investigation.

**Comment 10:** **One commenter read a document stating that asphalt plants are major sources of hazardous air pollutants such as formaldehyde, hexane, phenol, polycyclic organic matter, and toluene which may cause cancer central nervous system problems, liver damage, respiratory problems and skin irritation. The commenter suggested that the asphalt plant be located in an area with no residents.**

**Response 10:** Please see Response 8. The hazardous air pollutants listed in the report may cause considerable health concerns in certain quantities. The review of this asphalt plant included a thorough analysis of predicted concentrations of the worst-case pollutants at the maximum capacity of the plant and compared the results to health-based standards. Ohio EPA believes that if Kokosing complies with the final permit, public health will be protected.

#### Odor Concerns

**Comment 11:** **Several neighbors commented that they must keep their doors and windows closed because the odor from the facility is so strong.**

**Response 11:** The facility is making several changes to the plant design and operation that should help to reduce odors. The changes are detailed in Response 3 and included in the final permit.

**Comment 12:** **Several neighbors expressed concern that the use of slag would increase the odor coming from the plant.**

**Response 12:** Use of slag in the asphalt mix is not expected to create significant additional odor. However, as a precautionary measure, the facility has agreed to only use natural gas as fuel when operating with slag. By using only natural gas as fuel, less sulfur dioxide (a potential source of odor) will be emitted which will help minimize odors. The limitation to only use natural gas when operating with slag is required in the final permit.

#### Dust/Smoke from the Plant

**Comment 13:** **Several neighbors expressed concern with the amount of dust found inside and outside their homes that they believe comes from the asphalt plant.**

**Response 13:** Ohio EPA has required several measures in the permit to ensure that dust from the asphalt plant is minimized. The permit includes the following requirements related to dust (particulate):

- The drop height of the front end loader bucket shall be minimized to the extent possible in order to minimize or eliminate visible emissions of fugitive dust from the aggregate storage bins.
- The aggregate loaded into the cold aggregate bins shall have a moisture content sufficient to minimize or eliminate visible emissions of fugitive dust from conveyors and all transfer points to the dryer.
- There shall be no visible emissions of fugitive dust from the enclosures for the rotary drum and the hot mix asphalt elevator.
- Visible emissions of fugitive dust (from areas other than the enclosures for the rotary drum and the hot mix asphalt elevator) shall be less than or equal to 10 percent opacity, as a 3-minute average.
- Visible particulate emissions from the stack shall not exceed 10 percent opacity, as a 3-minute average.

- The emissions from this emissions unit shall be vented to a baghouse at all times the emissions unit is in operation.

Along with being required to meet all of the above requirements through their air permit, the plant is also required to perform daily monitoring of dust from the stack and other areas of the plant and report their findings to Ohio EPA.

In addition to the asphalt plant, there may be additional sources of dust from other activities in the area such as the railroad or highway. Citizens may contact Bryan Sokolowski at the City of Cleveland, Division of Air Quality at (216) 420-7663 to report excessive dust from the asphalt plant or elsewhere.

**Comment 14:** **One person indicated that he has witnessed a large amount of smoke coming from the stack of the asphalt plant.**

**Response 14:** The permit requires that all emissions from the asphalt plant stack go first through a baghouse to control particulate emissions (smoke). In addition, there is a limitation on the amount of visible particulate that can come out of the stack with daily monitoring and record keeping to help ensure compliance with the limitation. The limitation states that “visible particulate emissions from the stack shall not exceed 10 percent opacity, as a 3-minute average.” A 10 percent opacity limitation means that if a person is looking at the smoke from the stack, they should be able to see 90% of the sky in the background. At this level, any smoke would be barely visible.

Please note, it is not uncommon for steam (water vapor) to be coming out of the stack at an asphalt plant as part of its normal operation. Steam is not harmful and not regulated by Ohio EPA. Citizens may contact Bryan Sokolowski at the City of Cleveland, Division of Air Quality at (216) 420-7663 if they feel that the plant is operating in violation of their permit.

**Comment 15:** **Two neighbors stated that the smoke stacks from the asphalt plant are at eye level and felt they could be raised.**

**Response 15:** The company has agreed to raise the stack height from the current height of 38 feet above ground to 55 feet. The new stack height requirement is included in the final permit.

**Comment 16:** **One commenter expressed concern that the stack height of the asphalt plant is not high enough to allow proper dissipation of pollutants.**

**Response 16:** See Response 15. The facility provided additional computer modeling data that indicated that raising the stack height would reduce the impact of emissions on the nearby neighborhood.

Miscellaneous

**Comment 17:** **One commenter expressed concern that the facility would be allowed to double or triple in size in the next few years.**

**Response 17:** Each time a facility initiates an increase of production that could cause additional air emissions, they must apply for and receive a modification to their permit. The facility cannot increase their production above the limitations in the permit without a new permit that would go through an additional thorough review to determine the impact of the change.

**Comment 18:** **One neighbor was interested in finding out what the production levels were at the facility several ago as compared to last year.**

**Response 18:** It is CDO's understanding that the Schloss plant produced approximately 300,000 tons per year. In comparison, the new Kokosing 519 plant produced approximately 390,000 tons of asphalt in 2009.

**Comment 19:** **One commenter asked if the newly proposed nitrogen oxide rules will have any effect on the asphalt plant.**

**Response 19:** The proposed rules will have no affect on the asphalt plant or permit issuance. A link to the rule is below for reference:

<http://edocket.access.gpo.gov/2010/pdf/2010-1990.pdf>

**Comment 20:** **Several neighbors requested that the facility be prohibited from operating at night.**

**Response 20:** Ohio EPA does not have the authority to prohibit a facility from operating at night. The Agency is required to issue an air permit if it is demonstrated that the proposed installation will comply with all applicable air pollution policies and regulations.

**Comment 21:** **Several neighbors expressed concerns about excessive noise, light and vibrations at the facility, especially at night.**

**Response 21:** Ohio EPA is not authorized to regulate noise, vibration, and light levels from facility operations. You will sometimes find ordinances or city codes that address these issues. Some cities prohibit activities that would create a public nuisance and limit noise and light between certain hours.

There are noise level requirements for employees of workplaces under the Occupational Safety and Health Administration (OSHA). This can include noise measurements, engineering controls to reduce noise, hearing examinations for exposed employees and personal protective equipment. You can find more information through the OSHA web site at <http://www.osha.gov/>

**Comment 22:** **Concerns were expressed that the asphalt plant has decreased property values in the area.**

**Response 22:** Ohio EPA cannot base a permitting decision upon whether the value of area property may be affected by the facility. Furthermore, Ohio EPA does not have regulatory authority related to acceptable land use standards, such as zoning regulations. Required land use regulations are primarily determined through local zoning ordinances.

Ohio EPA can only take into consideration those factors for which we are given regulatory authority. Ohio EPA performs its functions as specified in the Ohio Revised Code (ORC) and is obligated to act upon permit applications, either denying or approving, on the basis of the available facts and information. If a source complies with the laws and rules, and meets the criteria for decisions within them, Ohio EPA is obligated to approve the application and issue a permit.

**Comment 23:** **One neighbor wanted to know if the creek near the property has ever been tested (Mill Creek)?**

**Response 23:** The Division of Surface Water, Northeast District Office of Ohio EPA is responsible for sampling streams to determine the health of the waterways. Additional information about sampling of Mill Creek may be obtained by contacting Bill Zawiski at (330) 963-1134.

**End of Response to Comments**