



**City of Cleveland**  
Frank G. Jackson, Mayor

Department of Public Health  
Division of Air Quality  
75 Erievue Plaza, Second Floor  
Cleveland, Ohio 44114-1839  
216/664-2297 • Fax: 216/420-8047  
www.clevelandhealth.org

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

**CERTIFIED MAIL 7012 2210 0000 5209 4784  
RETURN RECEIPT REQUESTED**

4/25/13

Joseph Ditchman  
Independence Rd., LLC  
1100 Superior Ave., 8<sup>th</sup> Floor  
Cleveland, OH 44114

**FACILITY ID: 13-18-00-8716**

**RESOLUTION OF VIOLATIONS  
NOTICE OF VIOLATION FOLLOW-UP LETTER**

Dear Mr. Ditchman:

On 1/8/13, the Cleveland Division of Air Quality (CDAQ) issued a Notice of Violation (NOV) requesting that Independence Rd., LLC located at 3000 Independence Rd. submit a completed 2011 Annual Permit Evaluation Report (PER) and obtain City Permits to Operate for 2009 and 2012. You were requested to return a completed PER form and respective City Permit Fees (Invoices and PER form were provided) to CDAQ.

On 3/21/13 CDAQ received paid invoices for the 2009 and 2012 City Permits to Operate.

On 3/27/13, CDAQ issued a Receipt of Corrective Action (RCAP) letter acknowledging the payment of the 2009 and 2012 City Fees. The RCAP letter additionally noted that since issuance of the 1/8/13 NOV, the PER for 2012 had also become past due along with the PER for 2011. You were requested to comply with submitting the completed PER forms for 2011 and 2012 for emissions units (EUs) F001: Storage Piles and F003: Roadways and Parking Areas, by 4/12/13.

On 4/17/13, CDAQ received the completed PER forms for 2011 and 2012.

The corrective action plan was received and appropriate steps were taken to bring the source into compliance. CDAQ has determined that no further enforcement action is warranted at this time, but reserves its right to take such action in the future if necessary.

CDAQ issues this letter with Ohio EPA's concurrence and 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. Should you have any questions, please call Dave DeChant at 216-664-3213. All correspondence with CDAQ must include the Ohio EPA facility identification number for Independence Rd., LLC: 13-18-00-8716.

Sincerely,

A handwritten signature in black ink that reads "Valencia White".

Valencia White  
Chief of Enforcement, CDAQ

VW/dd *u*

cc:

John Paulian, Ohio EPA Central Office  
Brian Dickens, U.S. EPA Region V  
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