



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 7010 1870 0000 6591 4827
RETURN RECEIPT REQUESTED

June 6, 2012

William Rosby
President
Rosby Resource Recycling, Inc.
54 East Schaaf Road
Brooklyn Heights, Ohio 44131

NON-HPV

FACILITY ID: 13-18-11-8050

NOTICE OF VIOLATION: Operating Emission Units (EUs) without a permit, failure to maintain records, and submitted an incorrect Permit Evaluation Report.

Dear Mr. Rosby:

On May 3, and 18, 2012, the Cleveland Division of Air Quality (CDAQ) inspected Rosby Resource Recycling, Inc. (Rosby) located at 54 East Schaaf Road, in Brooklyn Heights. This letter serves as notification that you are operating sources in violation of the following applicable air statutes, air regulations, or air permit conditions.

Rosby is in violation of Ohio Administrative Code (OAC) Rule 3745-31-02(A)(1), and Ohio Revised Code (ORC) Sections 3704.05(F) & 3704.05(G), for operating the following air emission sources without first applying for and obtaining a Permit-to-Install/Operate (PTIO):

1. Picking Line Erin 206 (2) Deck Shaker Deck (Sorting of C & D Debris), Redox Separator, and (2) Monsoons used to control dust (Picking Line), installed July 2009.
2. Screen Machine Stacker #2 (C & D Debris), installed June 2009.
3. Vermeer 6000, Horizontal Grinder (Second pass of mulch), installed August 2010.
4. Doppstadt 3060 Slow-Speed Shredder (First pass of mulch), installed June 2009.
5. Doppstadt AK530 High-Speed Grinder, installed May 2010.
6. Machine Stacker #1, and Color addition (Adds color to mulch and stacks it), installed June 2009.
7. Warrior Screener (concrete at time of inspection), installed February 2010.



8. 726 Trommell Dobstadt (Compost), installed April 2010.
9. Screen Machine Stacker #3, installed June 2009.
10. Dobstadt 617 Trommel (Compost), installed March 2010.
11. Scat Compost Pile Turner, installed March 2010.
12. Storage Piles and Load-In and Load-Out Operations, installed June 2009.
13. Caterpillar 519 hp, Diesel Powered Electrical Generator (Power Picking Line), installed July 2009.
14. Caterpillar 519 hp, Diesel Powered Electrical Generator (Power Picking Line), installed July 2009.
15. Caterpillar 196 hp, Diesel Powered Electrical Generator (Powers Cardboard Baler), installed July 2009.
16. Caterpillar 164 hp, Diesel Powered Electrical Generator (Powers Mulch Area), installed July 2009.

Rosby is also in violation of PTIO #P0095221: Emission Unit Terms and Conditions (1)(d), OAC Rule 3745-17-08(B), and ORC Section 3704.05(C) for failing to regularly maintain daily records for EU F001: Paved and Unpaved Roadways and Parking Areas, since June 2011.

Rosby also submitted an incorrect 2011 Permit Evaluation Report, which is in violation of PTIO #P0095221: Emission Unit Terms and Conditions (e)(1), OAC Rule 3745-15-03(D)(2), and ORC Section 3704.05(C). The 2011 Permit Evaluation Report that was submitted on March 28, 2012, did not accurately reflect the recordkeeping deviations that occurred in 2011.

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that Rosby submit completed PTIO applications and Emission Activity Category (EAC) Forms for the sixteen (16) aforementioned EUs. Submit the completed applications to the following address, within thirty (30) days of your receipt of this letter:

Permit Section
Cleveland Division of Air Quality
75 Erieview Plaza 2nd Floor
Cleveland, Ohio 44114-1839

CDAQ requests that Rosby begin regularly maintaining the following recordkeeping requirements, and submit a two (2) week sample of the daily inspections:

1. The date and reason any required inspection was not performed, including those inspections that were not performed due to snow and/or ice cover or precipitation;
2. The date of each inspection where it was determined by Rosby that it was necessary to implement the control measures;



3. The dates the control measures were implemented with the name of the operator responsible for application of dust suppressants;
4. On a calendar quarter basis, the total number of days the control measures were implemented and the total number of days where snow and/or ice cover or precipitation were sufficient to not require the control measures.

CDAQ also requests that Rosby re-submit a corrected 2011 Permit Evaluation Report. The corrected report shall reflect all recordkeeping deviations that occurred in 2011. Enclosed is a 2011 Permit Evaluation Report.

A copy of the daily inspections and the corrected 2011 Permit Evaluation Report shall be submitted to the following address within thirty (30) days of your receipt of this letter:

Bryan Sokolowski
Cleveland Division of Air Quality
75 Erieview Plaza 2nd Floor
Cleveland, Ohio 44114-1839

If there is insufficient time to correct the alleged violations within this timeframe, a written response must be received within thirty (30) days of your receipt of this letter that includes a timeline for correcting the alleged violations.

The appropriate permit application(s) and supplemental form(s) can be found at:

<http://www.epa.ohio.gov/dapc/fops/eac/eacforms.aspx>

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.

Permit-to-install/operate (PTIO) applications may be completed through the Ohio EPA eBusiness Center at <https://ebiz.epa.ohio.gov/>. An account is required to be created and a pin number assigned.

Violations of Ohio air pollution laws and /or permit terms and conditions are subject to the penalties stipulated in Ohio Revised Code Section 3704.99(A), which allows fines of not more than twenty-five thousand dollars or imprisonment for not more than one year, or both, for each violation.

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.



Should you have any questions, please call Bryan Sokolowski at (216) 420-7663. All correspondence with CDAQ must include the Ohio EPA facility identification number for Rosby Resource Recycling, Inc.: 13-18-11-8050.

Sincerely,

A handwritten signature in cursive script that reads "Valencia White".

Valencia White
Chief of Enforcement, CDAQ

VW/BS LK

cc: Chuck Perito, Rosby Resource Recycling, Inc.
John Horn, Rosby Resource Recycling, Inc.
George P. Baker, CDAQ
Michael J. Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
William MacDowell, U.S. EPA Region V
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encl: Permit Evaluation Report



Annual Permit Evaluation Report (PER)

Due Date: Feb 15, 2012

Reporting Period: 01/01/2011 - 12/31/2011

Facility Name: ROSBY RESOURCE RECYCLING, INC.

Facility ID: 1318118050

Facility Address: 54 E SCHAFF RD
Brooklyn Heights, OH 44131

Primary Contact: William Rosby
Mailing Address: 4963 Schaaf Lane
Brooklyn Heights, OH 44131

Phone: (216)661-6102

E-mail Address:

The facility address information given above was populated by Ohio EPA's most current database of information. If the above information has changed or is incorrect, please indicate the correct information below. You may also complete this PER electronically using the eBusiness Center - Air Services at ebiz.epa.ohio.gov on the Internet.

Indicate changes below.

Facility Name:	
Facility Address:	
Reason for Facility Address Change:	
Primary Contact:	
Mailing Address:	
Phone Number:	
E-mail Address:	



Table I: Emissions Units with Issued PTIOs

<i>EU ID*</i>	<i>EU Description</i>	<i>Company Equipment ID</i>	<i>Permit Number</i>	<i>PTIO Effective Date</i>
F001	Construction and Demolition Debris Facility	Unpaved Road	P0095221	6/1/2011

* List any additional emissions units (EUs) that have been issued a PTIO that are not included in the list above.

A "Detailed Emissions Unit (EU) Form" (attached) must be submitted for each EU listed in Table I to satisfy PER reporting obligations. In addition to the PER, please remember that your PTIOs may specify other state or federal reporting requirements.

Additional Information and Corrections:

Please list below any additional information you need to communicate with Ohio EPA. At a minimum, identify if you have any EU(s) that were permanently shutdown, EU(s) that will not be installed or modified, or EU(s) not in operation during the reporting period. See the "Annual Permit Evaluation (PER) Form FAQs" document for an explanation and additional examples or relevant information.

Report Responsibility:

This PER, including any accompanying information, is required under the authority of the director of the Ohio Environmental Protection Agency. [Ohio Revised Code 3704.03(I)] Failure to submit this PER, including any accompanying information, or falsifying this PER, including any accompanying information, may result in civil or criminal penalties in accordance with applicable state law.

Assistance With This Form:

If you have any questions please see the attached "Annual PER Form FAQs" document or contact the **Office of Compliance Assistance and Pollution Prevention at (800) 329-7518 or Cleveland Division of Air Quality at (216)664-2297.**



Detailed Emissions Unit Form(s)

PER Reporting Period: 01/01/2011 - 12/31/2011

Detailed Emissions Unit Form Instructions*:

1. Please complete questions A and B for each emissions unit (EU) that has been issued a PTIO. In addition, either confirm the accuracy of the information provided or change the information accordingly.
2. If you indicated "yes" for question A or B, for each deviation or exceedance that occurred during the reporting period, please provide an attachment with the following information:
 - a. EU ID;
 - b. dates and/or duration;
 - c. description of deviation or exceedance including probable cause;
 - d. description of corrective action(s) if taken; and
 - e. if no corrective action(s) were taken, then why not?
3. If applicable, for each visible emission (VE) incident that occurred during the reporting period, please provide an attachment with the following information:
 - a. EU ID;
 - b. dates and/or duration; and
 - c. additional information as required per the applicable PTIO.

* For further explanation, or if you have any questions, please see the attached "Annual PER Form FAQs" document or contact the **Office of Compliance Assistance and Pollution Prevention at (800) 329-7518** or **Cleveland Division of Air Quality at (216)664-2297**.

PER Detailed EU Form

EU ID: F001

Facility ID: 1318118050

EU Description: Construction and Demolition Debris Facility

Please provide date below if not present.

Completion of initial installation date:	03/01/1996
Begin installation/modification date:	03/01/1996
Commence operation after installation or latest modification date:	03/01/1996

Were there any deviations or exceedances from the following PTIO requirements?

A. Operational restrictions or emission limitations? Yes___ No___

B. Monitoring, record keeping, or reporting requirements? Yes___ No___

C. If Yes for A or B above, then submit the appropriate information as specified in the Detailed Emissions Unit Form Instructions #1 and #2 above. If any visible emission incident occurred during the reporting period, then submit the appropriate information as specified in #3.