



City of Cleveland  
Frank G. Jackson, Mayor

Department of Public Health  
Division of Air Quality  
75 Erieview Plaza, Suite 200  
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 #70093410000219341981  
RETURN RECEIPT REQUESTED

May 10, 2011,

James Krimmel  
Zaclon, LLC  
2981 Independence Road  
Cleveland, OH 44115

FACILITY ID: 13-18-00-0151  
NOTICE OF VIOLATION: Failing to report a malfunction

Dear Mr. Krimmel:

On May 4, 2011, the Cleveland Division of Air Quality (CDAQ) inspected Zaclon, LLC (Zaclon) located at 2981 Independence Road in Cleveland, in response to a complaint investigation. This letter serves as notification that you are operating sources in violation of the following applicable air statutes, air regulations, or air permit conditions.

Zaclon failed to report a malfunction of air pollution control equipment. The malfunction occurred on May 3, 2011, when a disc ruptured causing fumes to be released through a spent acid tank. The failure to report this malfunction is a violation of Ohio Administrative Code (OAC) rule 3745-15-06(B) and Ohio Revised Code section 3704.05(G).

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that Zaclon submit a corrective action plan describing steps that will be taken ensuring Zaclon will report malfunctions in accordance with OAC rule 3745-15-06(B) should they occur in the future to the following enforcement representative:

Andrew Kenney  
Cleveland Division of Air Quality  
75 Erieview Plaza 2<sup>nd</sup> Floor  
Cleveland, Ohio 44114-1839

Please note that the telephone number for reporting malfunctions to CDAQ is (216) 664-7442.

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



OAC 3745-15-06(B):

Malfunctions of air pollution control equipment shall be reported as follows:

(1) In the event that any emission source, air pollution control equipment, or related facility breaks down in such a manner as to cause the emission of air contaminants in violation of any applicable law, the person responsible for such equipment shall immediately notify the Ohio environmental protection agency district office or delegate agency of such failure or breakdown. If the malfunction continues for more than seventy-two hours, the source owner or operator shall provide a written statement to the director within two weeks of the date the malfunction occurred. The immediate notification and written statement shall include the following data:

- (a) Identification and location of such equipment including the Ohio environmental protection agency permit application number for each air contaminant source;
- (b) The estimated or actual duration of breakdown;
- (c) The nature and estimated quantity of air contaminants which have been or may be emitted into the ambient air during the breakdown period;
- (d) Statements demonstrating that:
  - (i) Shutdown or reduction of source operation during the breakdown period will be or would have been impossible or impractical;
  - (ii) The estimated breakdown period will be or was reasonable in duration based on installation or repair time, delivery dates of equipment, replacement parts, or materials, or current unavailability of essential equipment, parts, or materials;
  - (iii) Available alternative operating procedures and interim control measures will be or have been implemented during the breakdown period to reduce adverse effects on public health or welfare; and
  - (iv) All actions necessary and required by any applicable preventive maintenance and malfunction abatement plan will be or have been implemented.

(2) The Ohio environmental protection agency district office or delegate agency shall be notified when the condition causing the failure or breakdown has been corrected and the equipment is again in operation. Notification of the correction of the condition causing the failure or breakdown may be given verbally if the duration of the malfunction is seventy-two hours or less. Otherwise, such notification shall be in writing.

(3) Within two months following a failure or breakdown which exceeded seventy two hours in duration, the owner or operator of such equipment shall prepare and submit a detailed report which identifies a program to prevent, detect and correct, as expeditiously as practicable, similar future failures or breakdowns of such equipment.



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.

Free assistance with state and/or federal regulations, rules, laws or permit conditions can be provided at no charge through the Ohio EPA Office of Compliance Assistance and Pollution Prevention (OCAPP). OCAPP can be contacted at <http://www.epa.ohio.gov/ocapp> or (614) 644-3469 or (800) 329-7518. CDAQ makes no guarantee that the facility will meet the qualifying guidelines established by OCAPP.

OCAPP can also provide assistance to facilities that want to investigate methods of pollution prevention to reduce raw material usage and waste production. Again, there is no charge for their services.

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 Andrew Kenney at 216-420-7683. All correspondence with CDAQ must include the Ohio EPA facility identification number for Zaclon: 13-18-00-0151.

Sincerely,

Linda Kimmy  
Field Enforcement Manager

LK/ak

cc: 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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