



City of Cleveland
Frank G. Jackson, Mayor

Department of Public Health
Division of Air Quality
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**SERVING OHIO EPA AS AGENCY 13
FOR CUYAHOGA COUNTY**

**CERTIFIED MAIL 7000 0600 0024 8571 2280
RETURN RECEIPT REQUESTED**

7/13/12

Steve Fabrizi
Fabrizi Recycling
389 Columbia Rd.
Valley City, OH 44280

NON-HPV

FACILITY ID: 13-18-95-8523

NOTICE OF VIOLATION: Failure to Comply with Monitoring, Recordkeeping and Emissions Testing Requirements of the Permits to Install (PTIs) for Emissions Units (EUs) F001: 250 Ton Per Hour (TPH) Portable Concrete Recycling Plant with Screener and Conveyors and a 1.57 mmBtu/hr Diesel Generator; F002, Storage Piles, Load-in and Load-out; F003: Unpaved Roadways and Parking Areas and F004: Paved Roadways and Parking Areas

Dear Mr. Fabrizi:

On 3/6/12, CDAQ personnel spoke with Mr. Steve Fabrizi by telephone in response to a citizen complaint that was received on 3/1/12 and investigated on 3/2/12, regarding fugitive dust emissions attributed to the Fabrizi Recycling (Fabrizi) portable crusher operations located at 5500 W.130th St. in Brookpark. It was related during this discussion that a site visit would be conducted by Mr. Steve Fabrizi and he would ensure that personnel were adhering to appropriate procedures for dust control.

Mr. Steve Fabrizi also requested to meet with CDAQ personnel to review Fabrizi's permitting status. CDAQ agreed to be available at your convenience and you stated that you would be in contact by telephone the following week to set up an appointment. Subsequent to this conversation, an additional fugitive dust complaint was received on 3/22/12.

Pursuant to the second citizen complaint, CDAQ personnel conducted two additional site visits on 3/23/12 and on 3/26/12. No one was on site during the first visit and one individual was present conducting maintenance repairs on a piece of equipment during the second visit.

The CDAQ inspector spoke with the employee who only identified himself as "Bob", a contractor affiliated with Independence Excavating.



“Bob” stated that the crusher was only being operated a couple of days a week. When questioned about daily inspections to assess necessity for dust suppression, he related that there was a hose available for applying water, and he was careful to control drop height from the conveyor. He stated that the only paperwork he generated was specific to daily product throughput.

On 5/11/12, Mr. Steve Fabrizi met with CDAQ personnel. During the course of the meeting it was determined that the EUs noted in the complaint (EU/F001: 250 TPH Portable Concrete Recycling Plant with Screener and Conveyors and a 1.57 mmBtu/hr Diesel Generator; EU/F002: Storage Piles, Load-in and Load-out; EU/F003: Unpaved Roadways and Parking Areas and EU/F004: Paved Roadways and Parking Areas) had been erroneously identified in the Intent to Relocate Notification as equipment permitted out of Akron, Ohio. Further, it was determined that the EU originally permitted out of Akron (EU/F003: Primary Concrete Crusher) no longer existed and had been combined with another portable concrete recycling plant at the Middleburg Heights location.

This letter serves as notification that you are operating sources in violation of the following applicable air statutes, air regulations, or air permit conditions.

Fabrizi’s operation of EU/F001: 250 TPH Portable Concrete Recycling Plant with Screener and Conveyors and a 1.57 mmBtu/hr Diesel Generator is in violation of the operational restrictions specified in PTI#13-04666, Part II, (B)(1 and 2); daily monitoring and recordkeeping requirements specified in, Part II, (C)(1, 2, 4, 5, 6, 7); and an emission testing requirement specified in Part II, (E)(2).

Fabrizi’s operation of EU/F002: Storage Piles, Load-in and Load-out; EU/F003: Unpaved Roadways and Parking Areas and EU/F004, Paved Roadways and Parking Areas is in violation of daily monitoring and recordkeeping requirements specified in PTI #13-04667, Part III, (A)(III)(1,2,3).

The failure to conduct and record results of the required daily inspections are violations of PTI#13-04666, PTI #13-04667 and Ohio Revised Code (ORC) 3704.05(C). The failure to conduct the required emissions testing is a violation of PTI# 13-04666 and ORC 3704.05(C).

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that Fabrizi immediately institute appropriate monitoring and recordkeeping procedures. Additionally, all future Quarterly and Annual Deviation Reports along with required performance test results are to be submitted to CDAQ by 10/1/12.

And, in an effort to accurately reflect current equipment and operations, CDAQ requests that Fabrizi submit new Permit to Install/Operate (PTIO) applications for EU’s F001, F002, F003 and F004.

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.

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.

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.

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 Dave DeChant at 216-664-3213. All correspondence with CDAQ must include the Ohio EPA facility identification number for Fabrizi: 13-18-95-8523

Sincerely,

Valencia White
Chief of Enforcement, CDAQ

VW/dd

cc: Pam Korenewych, OCAPP
Duane LaClair, Summit County Health District
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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