



City of Cleveland  
Frank G. Jackson, Mayor

Department of Public Health  
Division of Air Quality  
75 Erieview Plaza, Suite 200  
Cleveland, Ohio 44114-1839  
216/364-2297 • Fax: 216/420-8047  
[www.clevelandhealth.org](http://www.clevelandhealth.org)

SERVING OHIO EPA AS AGENCY 13  
FOR CUYAHOGA COUNTY

CERTIFIED MAIL 70022030000118079273  
RETURN RECEIPT REQUESTED

August 13, 2009

Mr. Robert Hooper  
Potters Industries, Inc.  
2380 West Third Street  
Cleveland, Ohio 44113

NON-HPV  
EMISSIONS VIOLATION

FACILITY ID: 13-18-00-2733  
NOTICE OF VIOLATION: FUGITIVE DUST EMISSIONS

Dear Mr. Hooper:

On August 12, 2009, the Cleveland Division of Air Quality (CDAQ) responded to a complaint at Potters Industries, Inc. (Potters) located at 2380 West Third Street in Cleveland. This letter serves as notification that you are operating sources in violation of the following applicable air statutes, air regulations or air permit conditions.

During the complaint investigation CDAQ found an accumulation of glass beads and cullet in the roadway adjacent to Potters driveway that Potters told CDAQ is deposited by trucks coming out of the driveway. This is a violation of the Ohio Revised Code (ORC) Rule 3704.05 (G), the Ohio Administrative Code (OAC) Rule 3745-17-08(B)(9) and the City of Cleveland Codified Ordinance Chapter 277.07(a)(7).

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that Potters submit a corrective action plan stating how Potters will promptly remove and prevent deposited glass beads and cullet from the adjacent paved roadway in the future within fourteen (14) days to the following enforcement representative:

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

Your written response to this letter must be received by CDAQ within fourteen (14)



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.

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 Linda Kimmy at 216-664-2985. All correspondence with CDAQ must include the Ohio EPA facility identification number for Potters: 13-18-00-2733.

Sincerely,

George Baker  
Chief of Enforcement

GB/ak *RO*

cc: Bob Jenkins, Potters  
Richard Nemeth and Michael J. Krzywicki, CDAQ  
John Paulian, Ohio EPA Central Office  
Lisa Holscher, U.S. EPA Region V  
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