



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 7003 1010 0004 2923 4437
RETURN RECEIPT REQUESTED**

November 5, 2010

Thomas Lowe
Horsburgh and Scott Companies
5114 Hamilton Avenue
Cleveland, OH 44114-3985

NON-HPV

FACILITY ID: 13-18-20-0013

NOTICE OF VIOLATION: Failure to submit quarterly deviation reports, failure to submit annual compliance reports and exceeding the 3 gallons per day coating usage limitation specified in Permit to Install (PTI) 13-04717

Dear Mr. Lowe:

On October 28, 2010, the Cleveland Division of Air Quality (CDAQ) inspected Horsburgh and Scott Companies located at 1441 Chardon Road in Euclid. This letter serves as notification that you are operating sources in violation of the following applicable air statutes, air regulations, or air permit conditions.

Horsburgh and Scott Companies is in violation of Permit to Install (PTI) 13-04717 Part III. A. IV. 3. for failing to submit quarterly deviation reports since 4th quarter of 2008 (received by CDAQ on January 14, 2009). Horsburgh and Scott Companies also failed to submit annual compliance reports since PTI 13-04717 was issued on May 5, 2007, which is a violation of PTI 13-04717 Part III. A. IV. 4.

In addition, Horsburgh and Scott Companies exceeded the 3 gallons per day coating usage limitation specified in Permit to Install (PTI) 13-04717 on September 25, 2009, when 3.17 gallons of coating were used.

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that Horsburgh and Scott submit a quarterly deviation report for 3rd quarter of 2010, an annual compliance report for calendar year 2009 and a corrective action plan detailing how the facility will not exceed the 3 gallons per day coating usage limitation to the following enforcement representative:



Andrew Marantides
Cleveland Division of Air Quality
75 Erieview Plaza, Suite 200
Cleveland, Ohio 44114-1839

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.

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 Andrew Marantides at (216) 420-8049. All correspondence with CDAQ must include the Ohio EPA facility identification number for Horsburgh and Scott Companies: 13-18-20-0013.

Sincerely,

Linda Kimmy for G.B.

George Baker
Chief of Enforcement

GB/AM

cc: Peter Dell, The Dell Group, Inc.
Michael J. Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
William MacDowell, U.S. EPA Region V
Facility File and L:\Data\Facilities\1318200013\2010-10-28 NOV.docx

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Thomas Lowe
Horsburgh and Scott Companies
5114 Hamilton Avenue
Cleveland, OH 44114-3985

2. Article Number

(Transfer from service label)

7003 1010 0004 2923 4437

COMPLETE THIS SECTION ON DELIVERY

A. Signature

[Handwritten Signature]

- Agent
- Addressee

B. Received by (Printed Name)

K. THOMAS

C. Date of Delivery

11-9-70

D. Is delivery address different from item 1? Yes
if YES, enter delivery address below: No

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- Certified Mail
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4. Restricted Delivery? (Extra Fee)

Yes