



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 #70093410000219342025
RETURN RECEIPT REQUESTED**

June 7, 2011

Mr. Ray Wiecek
Independence Recycling, Inc.
5720 Schaaf Rd
Independence, OH 44131

FACILITY ID: 13-18-95-8479

NOTICE OF VIOLATION : Failing to Perform Required Performance Testing

Dear Mr. Wiecek:

On May 17, 2011, the Cleveland Division of Air Quality (CDAQ) inspected Independence Recycling (Independence) located at 2615 West 3rd 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.

Independence's failure to conduct a performance test within 90 days of the permit being issued for Emission Unit (EU) F001: 500 TPH Portable Slag Crushing Plant is in violation of Permit-to-Install (PTI) #13-04621, Part III (A) (4) (3) and New Source Performance Standards (NSPS) Title 40 Code of Federal Regulations (CFR) Part 60 Subpart OOO. Independence has been in violation since December 12, 2006.

Independence was issued a Notice of Violation (NOV) on May 5, 2009, regarding the same above noted violation. A NOV follow up letter was issued May 20, 2009, requiring Independence to submit a 30-Day Intent to Test Notice as required by the Special Terms and Conditions of PTI #13-04621, Part III (A) (4) (3) and conduct the performance test upon restarting operations.

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that Independence submit a 30-Day Intent to Test as required by the Special Terms and Conditions of PTI #13-04621, Part III (A) (4) (3) within 14 (fourteen) days of receipt of this letter, to the following permit engineer:



John Polak
Cleveland Division of Air Quality
75 Erieview Plaza 2nd 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 Andrew Kenney at 216-420-7683. All correspondence with CDAQ must include the Ohio EPA facility identification number for Independence Recycling: 13-18-95-8479.

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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