



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 : 7009 3410 0002 1934 1622  
RETURN RECEIPT REQUESTED

May 9, 2011

Daniel Fleig  
Cleveland Charcoal Supply, Co.  
940 East 67<sup>th</sup> Street  
Cleveland, Ohio 44103

NON-HPV

**FACILITY ID: UNASSIGNED**

**NOTICE OF VIOLATION: Operating Emission Units (EUs) without a permit.**

Dear Mr. Fleig:

On April 28, 2011, the Cleveland Division of Air Quality (CDAQ) inspected Cleveland Charcoal Supply located at 940 East 67<sup>th</sup> 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.

Cleveland Charcoal Supply's operation of Hamer Line (Consists of Hopper, Screw Conveyor, Belt Conveyor, and Automated Bagger), Stacker Conveyor, (4) Storage Silos, Storage Piles, Roadways and Parking Areas, and Front-End Loading Operations are in violation of Ohio Administrative Code (OAC) Rule 3745-31-02 (A)(1), and Ohio Revised Code (ORC) 3704.05 (F) and (G) for operating emissions sources without first applying for and obtaining a Permit-to-Install/Operate (PTIO).

Cleveland Charcoal Supply has been in non-compliance for six years and will remain in non-compliance unless you undertake some type of corrective action with respect to the above noted violations.

CDAQ requests that Cleveland Charcoal Supply submit completed PTIO applications and Emission Activity Category (EAC) Forms for the Hamer Line (Consists of Hopper, Screw Conveyor, Belt Conveyor, and Automated Bagger), Stacker Conveyor, (4) Storage Silos, Storage Piles, Roadways and Parking Areas, and Front-End Loading Operation, within (30) days of receipt of this letter to CDAQ at the following address:



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

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

The appropriate permit application(s) and supplemental form(s) can be found at:

<http://www.epa.state.oh.us/dapc/fops/eac/eacforms.aspx>

Please note that all permit applications submitted to CDAQ must include original signatures. Photocopied signatures are not valid; the application will not be accepted by CDAQ and will be returned to you if original signatures are not provided.

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 Bryan Sokolowski at (216) 420-7663. All correspondence with CDAQ must include the Ohio EPA facility identification number for Cleveland Charcoal Supply: UNASSIGNED.

Sincerely,

Linda Kimmy  
Field Enforcement Manager



LK/BS

cc: Scott Webber, Cleveland Charcoal Supply  
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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**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:

Daniel Fleig  
Cleveland Charcoal Supply, Co.  
940 East 67<sup>th</sup> Street  
Cleveland, Ohio 44103

2. Article Number  
(Transfer from s:

7009 3410 0002 1934 1622

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X *[Handwritten Signature]*

- Agent
- Addressee

B. Received by (Printed Name)

SCOTT WEBER

C. Date of Delivery

3-5-11

D. Is delivery address different from item 1?  Yes

If YES, enter delivery address below:  No

3. Service Type

- Certified Mail  Express Mail
- Registered  Return Receipt for Merchandise
- Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes