



**City of Cleveland**  
Frank G. Jackson, Mayor

Department of Public Health  
Division of Air Quality  
75 Erieview Plaza, Second Floor  
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 7011 2000 0002 6936 2870  
RETURN RECEIPT REQUESTED**

August 3, 2012

Steve Fabrizi  
Fabrizi Trucking and Paving Co., Inc.  
6751 Eastland Rd.  
Middleburgh Heights, OH 44130

NON-...

**FACILITY ID: 13-18-34-8366**

**NOTICE OF VIOLATION: FAILURE TO COMPLY WITH FUGITIVE DUST RECORD KEEPING REQUIREMENTS, FAILURE TO SUBMIT PERIODIC REPORTS, FAILURE TO SUBMIT A PERMIT-TO-INSTALL/OPERATE (PTIO) APPLICATION FOLLOWING A MODIFICATION OF AN EMISSIONS UNIT (EU), FAILURE TO SUBMIT A PTIO APPLICATION WHEN INSTALLING A NEW EU**

Dear Mr. Fabrizi:

On June 18 and 29, 2012, the Cleveland Division of Air Quality (CDAQ) inspected Fabrizi Trucking and Paving Co., Inc. (Fabrizi) located at 6751 Eastland Road in Middleburgh Heights. 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 EUs F001: unpaved facility roadways and parking areas and paved facility roadways and parking areas, F002: load in and load out of material storage piles and wind erosion from storage piles, and F003: 200 tons/hr portable concrete recycling plant – crushing, screening, and conveyor stacker and 100 kW diesel generator are in violation of the daily fugitive dust record keeping requirements specified by the permit-to-install (PTI) #13-4059, Part II, C and Ohio Revised Code (ORC) Section 3704.05(C) since PTI #13-4059 was issued on May 13, 2003. Fabrizi started recording their fugitive dust control measures on May 14, 2012.

Fabrizi's operation of EUs F001, F002 and F003 is in violation of the quarterly deviation reporting requirements of PTI #13-4059, Part II, D and ORC Section 3704.05(D). CDAQ has not received any quarterly deviation reports since the second quarter of 2008.

Fabrizi modified EU F003 located in Middleburgh Heights by installing another screening cone. The second screening cone was installed in 2006. Modifying an EU without submitting a PTIO application is in violation of Ohio Administrative Code (OAC) Rule 3745-31-02(A) and ORC Section 3704.05(F).



Fabrizi installed a spray paint booth in 1997 for vehicle repairs at their Middleburgh Heights facility. Installing a new EU without submitting a PTIO application is in violation of Ohio Administrative Code (OAC) Rule 3745-31-02(A) and ORC Section 3704.05(F).

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. In order to accurately reflect the current equipment at the Middleburgh Heights facility CDAQ requests that Fabrizi take the following actions:

1. Submit PTIO applications for the vehicle maintenance spray paint booth and F003: 200 tons/hr portable concrete recycling plant – crushing, screening, and conveyor stacker and 100 kW diesel generator
2. Submit updated PTIO applications for EUs F001: unpaved facility roadways and parking areas and paved facility roadways and parking areas, F002: load in and load out of material storage piles and wind erosion from storage piles.

The PTIO applications should be sent to the following address:

Permit Section  
Cleveland Division of Air Quality  
75 Erieview Plz., 2<sup>nd</sup> Fl.  
Cleveland, OH 44114-1839

The PTIO applications must be received by CDAQ within 30 days of your receipt of this letter. If there is insufficient time to submit the PTIO applications within this timeframe, your response must include a timeline for submitting them.

CDAQ requests that Fabrizi resume submitting quarterly deviation reports. Please submit the deviation report for the second reporting period of 2012 within 14 days of receipt of this letter. If there is insufficient time to submit the report within this timeframe, your response must include a timeline for submitting it. The deviation report for the second period of 2012 should be sent to the following enforcement representative:

David Wagner  
Cleveland Division of Air Quality  
75 Erieview Plz., 2<sup>nd</sup> Fl.  
Cleveland, OH 44114-1839

The appropriate permit application(s) and supplemental form(s) may be downloaded from the Ohio EPA's website: You will need to complete Forms 3150a, 3103, 3111, 3112, 3113, and 3133. 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.

Alternatively, 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 ORC Section 3704.99(A), which allows fines of not more than \$25,000 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.

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. If you have any questions, please call David Wagner at 216/664-3004. All correspondence with CDAQ regarding this letter's topics must include the Ohio EPA facility identification number for Fabrizi: 13-18-34-8366.

Sincerely,



Valencia White

Chief of Enforcement, CDAQ

VW/dlw LK

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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