



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 3500 0000 1759 7907  
RETURN RECEIPT REQUESTED**

March 19, 2012

Phil Austin  
Operations Manager  
ABC Distribution, LLC  
1 Acorn Drive  
Oakwood Village, Ohio 44146

**FACILITY ID: 13-18-40-8064  
NOTICE OF VIOLATION / NOTICE OF VIOLATION FOLLOW-UP LETTER**

Dear Mr. Austin:

On February 24, 2012, the Cleveland Division of Air Quality (CDAQ) inspected ABC Distribution, LLC (ABCD) located at 1 Acorn Drive in Walton Hills. This letter serves as notification that ABCD was operating its emissions sources in violation of its Permit-to-Operate (PTO) issued on September 17, 1998.

As a requirement of ABCD's issued PTO, annual reports summarizing total gallons of coating used and corresponding emissions of volatile organic compounds and hazardous air pollutants, were due to CDAQ by February 1<sup>st</sup> for each preceding year. ABCD failed to submit the above-referenced annual reports for calendar years 2009, 2010 and 2011. Additionally, ABCD failed to submit quarterly deviation reports for calendar year 2011. The above-referenced violations are violations of your issued PTO and Ohio Revised Code section 3704.05(C).

However, as of March 16, 2012, CDAQ is in receipt of the required annual reports for 2009, 2010 and 2011, and a quarterly deviation report covering calendar year 2011. The reports were submitted via Ohio EPA's Air Services as required for Title V and Synthetic Minor facilities.

Your corrective action in response to the above-referenced violations was received in a timely manner and appropriate steps were taken to bring ABCD into compliance. CDAQ has determined that no further enforcement action is warranted at this time, but reserves its right to take such action in the future if necessary.



CDAQ issues this letter with Ohio EPA's concurrence and 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 Valerie Shaffer at (216) 664-6292. All correspondence with CDAQ must include the Ohio EPA facility identification number for ABCD: 13-18-40-8064.

Sincerely,

A handwritten signature in cursive script that reads "Valencia White".

Valencia White  
Chief of Enforcement, CDAQ

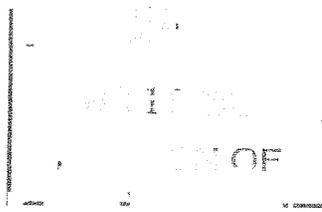
VW/vls

cc: Michael Nines, Technical Consultant, Manko, Gold, Katcher & Fox, LLP  
John Paulian, Ohio EPA Central Office  
William MacDowell, U.S. EPA Region V  
Facility File and L:\Data\Facilities\1318408064\2012 Inspection\2012-02-24  
NOV+NEAR.docx

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <span style="float: right;"><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</span></p> <p>X <i>Chris Dicenzi</i></p> <p>B. Received by (Printed Name) <span style="float: right;">C. Date of Delivery</span></p> <p><i>Chris Dicenzi</i> <span style="float: right;"><i>3-22-12</i></span></p>
<p>1. Article Addressed to:</p> <p style="text-align: center; padding: 20px;"> <b>Phil Austin</b>  <b>ABC Distribution, LLC</b>  <b>1 Acorn Drive</b>  <b>Oakwood Village, OH 44146</b> </p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number <span style="float: right;">7011 3500 0000 1759 7907</span> (Transfer from service label)</p>	

VS

March 16, 2012



**Via Electronic and Overnight Delivery**

City of Cleveland  
Department of Public Health  
Division of Air Quality  
75 Erieview Plaza, Second Floor  
Cleveland, OH 44114-2080  
Attn: Valerie Schaffer

RE: ABC Distribution, LLC  
One Acorn Drive, Oakwood Village, Ohio  
Facility ID: 13-18-40-8064 – Inspection Follow-up

Dear Ms Schaffer:

This correspondence is in response to your facility inspection of February 24, 2012 and subsequent follow-up telephone conversations with our consultant Michael Nines. Per your request, we have prepared, uploaded, and will submit the following documents via the Air Services web-portal on the Ohio Environmental Protection Agency's eBusiness Center:

- Quarterly Deviation Report for 2011 Calendar Year
- 2009 Annual Emission Report
- 2010 Annual Emission Report
- 2011 Annual Emission Report

**Quarterly Deviation Report**

Please note that effective June 30, 2008, the Ohio EPA changed its requirements for submission of quarterly deviation reports, which now excludes State issued Permits-to-Operate (PTOs). It was our understanding and interpretation, that quarterly deviation reports were no longer required for this facility as we do not operate as a Title V facility. As a result of your inspection and follow-up, we have prepared the quarterly deviation report for the entire calendar year 2011 and will continue to submit future quarterly deviation reports until our new facility permit is renewed/reissued by the Cleveland Division of Air Quality (CDAQ). We understand that once the new facility permit is reissued in the next several weeks, the quarterly deviation reporting obligation will no longer apply.

**Emission Statement**

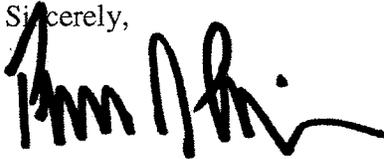
Regarding your request for annual emission statements for calendar years 2009, 2010, and 2011; it was our understanding that owners or operators of a facility required to apply for and obtain an air pollution control operating permit, are required to submit annual emissions

reports for estimated actual facility wide emissions no later than April 15<sup>th</sup> for the previous calendar year. Our facility had previously prepared and submitted the 2009 and 2010 calendar year reports on or before April 15<sup>th</sup> in each of the past two years and submitted these documents through the Air Services web-portal on the eBusiness Center. We have also prepared the 2011 annual emission statement in anticipation of the April 15<sup>th</sup> deadline, but now understand the CDAQs desire to have this report submitted as soon as possible.

Per your request, we have uploaded the previously submitted annual emission reports for 2009 and 2010, as well as the new 2011 annual emission report onto eBusiness website under the heading "Other Reports", with the subheading "Annual Emission Report".

We trust that the reports submitted will satisfy the CDAQs request and appreciate your assistance in this matter. If you have any questions regarding the contents of the report submissions, please contact me at (440) 439-4805 or our Technical Consultant, Michael Nines at (484) 430-2350.

Sincerely,



Phillip Austin  
Branch Manager

cc: Scott Caldwell  
Paul Leiphart  
Michael C Gross, Esquire  
Linda Kimmy, CDAQ