

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 9406  
RETURN RECEIPT REQUESTED**

12/4/12

Steve Fabrizi  
Fabrizi Recycling  
6751 Eastland Rd.  
Middleburg Heights, OH 44130

**FACILITY ID: 13-18-95-8523**

**RESOLUTION OF VIOLATIONS  
NOTICE OF VIOLATION FOLLOW-UP LETTER**

Dear Mr. Fabrizi:

On 3/6/12, Cleveland Division of Air Quality (CDAQ) personnel spoke with Mr. Steve Fabrizi by telephone in response to a citizen complaint that was received on 3/1/12 and investigated on 3/2/12, regarding fugitive dust emissions attributed to the Fabrizi Recycling (Fabrizi) portable crusher operations located at 5500 W.130<sup>th</sup> St. in Brookpark. It was related during this discussion that a site visit would be conducted by Mr. Steve Fabrizi and he would ensure that personnel were adhering to appropriate procedures for dust control.

Mr. Steve Fabrizi also requested to meet with CDAQ personnel to review Fabrizi's permitting status. CDAQ agreed to be available at your convenience and you stated that you would be in contact by telephone the following week to set up an appointment. Subsequent to this conversation, an additional fugitive dust complaint was received on 3/22/12.

On 5/11/12, Mr. Steve Fabrizi met with CDAQ personnel. During the course of the meeting it was determined that the EUs noted in the complaint (EU/F001: 250 TPH Portable Concrete Recycling Plant with Screener and Conveyors and a 1.57 mmBtu/hr Diesel Generator; EU/F002: Storage Piles, Load-in and Load-out; EU/F003: Unpaved Roadways and Parking Areas and EU/F004: Paved Roadways and Parking Areas) had been erroneously identified in the Intent to Relocate Notification as equipment permitted out of Akron, Ohio. Further, it was determined that the EU originally permitted out of Akron (EU/F003: Primary Concrete Crusher) no longer existed and had been combined with another portable concrete recycling plant at the Middleburg Heights location.

On 7/13/12, CDAQ issued a Notice of Violation (NOV) requesting that Fabrizi immediately institute appropriate monitoring and recordkeeping procedures. Additionally, the NOV stated all future Quarterly and Annual Deviation Reports along with required performance test results are to be submitted to CDAQ by 10/1/12.

And, in an effort to accurately reflect current equipment and operations, CDAQ requested that Fabrizi submit new Permit to Install/Operate (PTIO) applications for EU's F001, F002, F003 and F004.



CDAQ received a Corrective Action Plan dated 8/15/12. You indicated that daily site monitoring logs had been developed and were currently in use. Additionally, you stated that the PTIO applications and additional documentation would be submitted within the next thirty (30) days.

On 8/22/12, CDAQ issued a Receipt of Corrective Action Plan (RCAP) letter stipulating that you were expected to comply with submitting the PTIO applications, copies of completed site monitoring logs and performance test results by 10/1/12. And, noting that you must submit an Intent-to-Test (ITT) Notification to facilitate CDAQ personnel availability to witness the test thirty (30) days prior to the testing.

On 9/12/12, CDAQ received a request for an extension of the compliance due date because it would not be possible to submit an ITT Notification with sufficient lead time to facilitate submission of performance test results by the 10/1/12 deadline.

On 9/17/12, CDAQ issued a Second RCAP stipulating that you were still expected to comply with submitting the PTIO applications, copies of completed site monitoring logs and the ITT Notification by 10/1/12. And, that submission of the Third Quarter Deviation Reports by 10/15/12 was acceptable.

On 9/28/12, CDAQ was contacted by Pam Korenewych from the Ohio EPA's Office of Compliance Assistance and Pollution Prevention (OCAPP). Ms. Korenewych confirmed having met with you and indicated she was in the process of preparing the new applications. Ms. Korenewych also related that she was moving into a new job with the Ohio EPA; however, she would endeavor to complete and submit the applications within the next few weeks.

On 10/13/12, CDAQ received the Third Quarter Deviation Report.

On 10/17/12, CDAQ received an email from Michele Eggert of Fabrizi Recycling. She indicated that arrangements had been made with Affinity Consulting to conduct the emissions testing. However, the dates Affinity Consulting has available are 10/26/12 or 11/9/12 which does not provide for a 30 day ITT Notification. She requested that CDAQ contact Steve Fabrizi to discuss the options.

On 10/19/12, CDAQ spoke with Steve Fabrizi by telephone. CDAQ informed Mr. Fabrizi that we could work with the 10/26/12 date and requested that an ITT Notification be submitted to confirm date/time/location. Additionally, CDAQ noted that the requested copies of site monitoring logs had not been submitted.

On 10/24/12, CDAQ received a copy of a completed site monitoring log for the portable crusher at its new location. On 10/29/12, CDAQ received the PTIO applications. And, on 11/9/12, CDAQ witnessed emission testing that demonstrated compliance with the opacity emission limitations established in PTI #13-04666. On 12/4/12, an electronic version of the final emissions testing report was received by CDAQ. A hard copy of the report is being sent via US Mail.

The corrective action plan was received and appropriate steps were taken to bring the source 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 Dave DeChant at 216-664-3213. All correspondence with CDAQ must include the Ohio EPA facility identification number for Fabrizi Recycling: 13-18-95-8523.

Sincerely,

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

Valencia White  
Chief of Enforcement, CDAQ

VW/dduk

cc: Adrienne LaFavre, OCAPP  
Duane LaClair, Summit County Health District  
John Paulian, Ohio EPA Central Office  
Brian Dickens, U.S. EPA Region V  
L:\Data\Facilities\1318958523\2012-6-20 ROV+NEAR.docx