



City of Cleveland
Frank G. Jackson, Mayor

Department of Public Health
Division of Air Quality
75 Erievue 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 7012 2210 0000 5209 4548
RETURN RECEIPT REQUESTED**

1/8/13

Joseph Ditchman
Independence Rd., LLC
1100 Superior Ave., #800
Cleveland, OH 44114

FACILITY ID: 13-18-00-8716

NOTICE OF VIOLATION: Failure to submit 2011 Annual Permit Evaluation Report (PER) for the period 10/1/10 - 9/30/11 and Failure to Obtain City of Cleveland Permits to Operate an Air Contaminant Source for 2009 and 2012

Dear Mr. Ditchman:

Independence Rd., LLC located at 3000 Independence Rd. in Cleveland failed to submit their 2011 Annual PER for the period 10/1/10 – 9/30/11 by the 11/15/11 deadline. This letter serves as notification that you are operating emissions units (EUs) F001: Storage Piles and F003: Roadways and Parking Areas in violation of the following applicable air statutes, air regulations, or air permit conditions.

Permit-to-Install/Operate (PTIO) #P0104068, Part C(1)(e)(1) stipulates that: “PER forms will be mailed to the permittee at the end of the reporting period specified in the Authorization section of this permit. The permittee shall submit the PER in the form and manner provided by the director by the due date identified in the Authorization section of this permit. The permit evaluation report shall cover a reporting period of no more than twelve-months for each air contaminant source identified in this permit.” Failure to submit the PER is also a violation of the Ohio Revised Code (ORC) Section 3704.05.

The attached PER forms were mailed to the address noted above on 10/4/11 with the due date indicated as 11/15/11.

Additionally, Independence Rd., LLC failed to obtain City of Cleveland Permits to Operate for 2009 and 2012 in violation of the City of Cleveland’s Permit to Operate an Air Pollution Source (Chapters 259.01 and 263.01 of the Codified Ordinances of the City of Cleveland).

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 Rd., LLC submit a completed 2011 Annual PER and obtain City Permits to Operate for 2009 and 2012 by returning the completed PER and respective City Permit Fees (Invoices enclosed) to the following address:



Permit Section
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 thirty (30) 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 (\$25,000) 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 Dave DeChant at 216-664-3213. All correspondence with CDAQ must include the Ohio EPA facility identification number for Independence Rd., LLC: 13-18-00-8716.

Sincerely,

Valencia White
Chief of Enforcement, CDAQ

VW/dd ~~uk~~

cc: George P. Baker, CDAQ
Michael J. Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
Brian Dickens, U.S. EPA Region V
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encl: 10/1/10-9/30/11 PER; 2009 and 2012 City of Cleveland Air Contaminant Source Invoices