



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

OCT 12 2010

REPLY TO THE ATTENTION OF:
(AE-17J)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Robert Hooper, Plant Manager
Potters Industries, Inc.
2380 West Third Street
Cleveland, Ohio 44133

Re: Notice of Violation
Potters Industries, Inc.
Cleveland, OH

Dear Mr. Hooper:

The U.S. Environmental Protection Agency is issuing the enclosed Notice of Violation (NOV) to Potters Industries, Inc. (Potters or you) under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1). We find that you are violating the Ohio State Implementation Plan and the requirements of a Permit-to-Install issued by the State of Ohio at your Cleveland, Ohio facility.

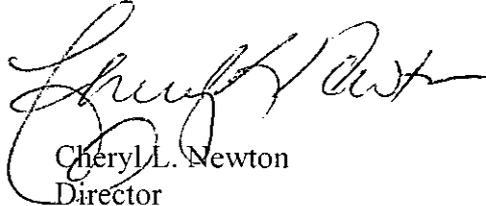
Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the NOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply, and the steps you will take to prevent future violations.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Michelle Heger. You may call her at (312) 886-4510 to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Cheryl L. Newton". The signature is fluid and cursive, with a large initial "C" and "N".

Cheryl L. Newton
Director

Air and Radiation Division

Enclosure

cc: Bob Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency

09(B) for Preventing Fugitive Dust as part of the federally enforceable SIP for Ohio (59 Fed. Reg. 27464).

6. The Particulate Matter Standard OAC Rule 3745-17-09(B) for Preventing Fugitive Dust states that no person shall cause or permit any fugitive dust source to be operated; or any materials to be handled, transported, or stored; or a building or its appurtenances or a road to be used, constructed, altered, repaired, or demolished without taking or installing reasonably available control measures to prevent fugitive dust from becoming airborne, as appropriate to minimize or eliminate visible particulate emissions or fugitive dust.
7. On August 13, 1984, EPA approved the OAC Rule 3745-15-07, Nuisance Provision, as part of the federally enforceable SIP for Ohio (49 Fed. Reg. 32182).
8. The Nuisance Provision OAC Rule 3745-15-07(A) states that no person shall cause, permit or maintain any such public nuisance as the emission or escape into the open air from any source or source of smoke, ashes, dust, dirt, grime, acids, fumes, gases, vapors, odors, or any other substances or combinations of substances, in such a manner or in such amounts as to endanger the health, safety or welfare of the public, or cause unreasonable injury or damage to property, is hereby found and declared to be a public nuisance.
9. On March 10, 2003, EPA approved the OAC Rule 3745-31, Permits to Install New Sources of Pollution, as part of the federally enforceable SIP for Ohio (68 Fed. Reg. 2909).
10. Under OAC Rule 3745-31-05, the director of Ohio Environmental Protection Agency (Ohio EPA) shall issue a PTI on the basis of the information appearing in the application, or information gathered by or furnished to the Ohio EPA, or both, if he determines that the installation or modification and operation of the air contaminant source will not prevent or interfere with the attainment or maintenance of applicable ambient air quality standards and not result in a violation of any applicable laws.

B. FACTUAL BACKGROUND

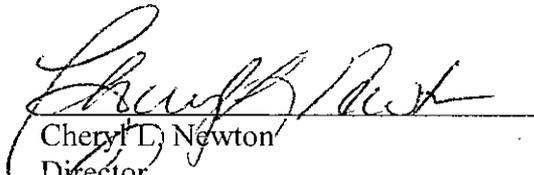
11. Potters owns and operates a glass recycling facility located at 2380 West Third Street, Cleveland, Ohio (the facility) in Cuyahoga County.
12. Potters is a “person,” as that term is defined in the OAC Rule 3745-15-01, General Provisions Definitions as part of the federally enforceable SIP for Ohio (49 Fed. Reg. 32182).
13. Potters obtained a Permit to Install (PTI), Permit number 13-04607, on March 28, 2006 from the Ohio EPA.

14. The Cleveland facility's PTI states "the air contaminates emitted by the emissions units covered by [the] permit shall not cause a public nuisance, in violation of OAC rule 3745-15-07" (PTI 13-04607, Part I.A.7.).
15. From November 12, 2004 to May 3, 2010, the Cleveland Division of Air Quality (CDAQ) received seven citizen complaints regarding glass particulate dust and/or leaking ductwork/baghouse emitting glass beads from Potters' Cleveland facility.
16. Potters received four Notices of Violation in the past five years from CDAQ dated December 20, 2004, September 25, 2007, July 28, 2009, and August 13, 2009, for air pollution nuisance, failing to maintain compliance with the pressure drop range of 1"-6" of water for the baghouse associated with emission unit P007, and fugitive dust emissions from the accumulation of glass and cullet on the roadway adjacent to the facility.
17. EPA conducted an inspection at the facility on October 28, 2009, during which EPA observed on the EPA vehicle a fine layer of glass bead dust consistent with Potters' final product observed inside the facility production building.
18. The facility's PTI states, "the pressure drop across the air transport baghouse shall be maintained within the range of 3.0-6.0 inches of water while the emissions unit is in operation." (PTI 13-04607, Part II.B.3).
19. The facility's PTI states, "the pressure drop across the furnace baghouse shall be maintained within the range of 1.0-6.0 inches of water while the emissions unit is in operation." (PTI 13-04607, Part II.B.4).
20. The facility's PTI states that Potters shall "properly operate and maintain equipment to monitor the pressure drop across the baghouses while the emissions unit is in operation..." and that Potters shall "record the pressure drops across the baghouses on a daily basis." (PTI 13-04607, Part II.C.3).
21. The facility's PTI states that Potters shall "submit quarterly pressure drop deviation (excursion) reports to the Cleveland DAQ that identify all periods of time during which the pressure drops across the baghouses did not comply with the allowable ranges specified above." (PTI 13-04607, Part II.D.3).
22. Potters' quarterly deviation reports state that during at least the 2nd, 3rd, and 4th quarters of 2009, the pressure drop across "the baghouse was up to 0.5" lower [than Potters' PTI requirement]."
23. From at least the 3rd quarter of 2006 through August 9, 2007, Potters failed to properly monitor and record the pressure drop across both the air transport baghouse and the furnace baghouse while emissions unit P007 was in operation.

C. FINDINGS OF VIOLATIONS

24. Potters caused and permitted visible fugitive dust from its facility to become airborne and escape the facility property in violation of the Particulate Matter Standards for Preventing Fugitive Dust in the Ohio SIP at 3745-17-08(B).
25. Potters allowed the escape of visible particulate matter and dust into the open air from the facility in such amounts as to be deemed a public nuisance in violation of the Nuisance Provision in the Ohio SIP at 3745-15-07(A).
26. Potters failed to operate the baghouses associated with Emission Unit P007 during at least the 2nd, 3rd, and 4th quarters of 2009 within the PTI 13-04607 permitted ranges.
27. From at least the 3rd quarter of 2006 through the 1st quarter of 2009, Potters failed to accurately identify in its quarterly pressure drop deviation (excursion) reports to the Cleveland DAQ all periods of time during which the pressure drops across the air transport baghouse and the furnace baghouse did not comply with the permitted ranges.

10/12/10
Date


Cheryl L. Newton
Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Betty Williams, certify that I sent a Notice of Violation, No EPA-5-11-OH-01, by

Certified Mail, Return Receipt Requested, to:

Robert Hooper, Plant Manager
Potters Industries, Inc.
2380 West Third Street
Cleveland, Ohio 44133

I also certify that I sent copies of the Notice and Finding of Violation by first class mail to:

Robert Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency
Lazarus Government Center
P.O. Box 1049
Columbus, OH 43216-1049

on the 13th day of October, 2010.


Betty Williams
Administrative Program Assistant
AECAS, (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7666 5407