



City of Cleveland

Frank G. Jackson, Mayor

Department of Public Health  
Division of Air Quality  
75 Frieview Plaza, Suite 200  
Cleveland, Ohio 44114-1839  
216/664-2297 • Fax: 216/420-8047  
www.clevelandhealth.org

SERVING OHIO EPA AS AGENCY 13  
FOR CUYAHOGA COUNTY

HAND DELIVERY  
RETURN RECEIPT REQUESTED

November 12, 2009

Derek Hendrix  
Cleveland Public Power -- Service Center  
1300 Lakeside Ave.  
Cleveland, Ohio 44114

HIGH PRIORITY FACILITY  
HIGH PRIORITY VIOLATOR -- [GC5]

FACILITY ID: 1318000133  
NOTICE OF VIOLATION : FAILING TO SUBMIT DEVIATION REPORTS AND FAILING  
TO OBTAIN CITY PERMITS

Dear Mr. Hendrix:

On October 28, 2009, the Cleveland Division of Air Quality (CDAQ) inspected Cleveland Public Power Service Center located at 2490 West 41<sup>st</sup> in Cleveland. This letter serves as notification that you are operating sources in violation of the air permit conditions.

CPP is in violation of the Title V permit terms & conditions, the Ohio Administrative Code (OAC) Rule 3745-77-07(A)(3)(c), the Ohio Revised Code (ORC) sections 3704.05(C) and (G) for failing to submit the following reports on time:  
4<sup>th</sup> quarter 2008 deviation report submitted on April 21, 2009, which was due on January 31, 2009, 2<sup>nd</sup> quarter 2009 deviation report submitted on September 21, 2009, which was due on July 31, 2009, 3<sup>rd</sup> quarter 2009 deviation report submitted on November 4, 2009, which was due on October 31, 2009, and January -- June 2009 semi-annual deviation report submitted on September 21, 2009, which was due on July 31, 2009.

Also, CPP is in violation of the Title V permit terms & conditions, OAC Rule 3745-77-07(C)(10), ORC sections 3704.05(C) and (G) for not submitting the 2008 Annual Certification of Compliance by the April 30, 2009, due date.

In addition, CPP has not obtained city permits to operate by submitting city permit fees for the 2009 calendar year. This is a violation of City of Cleveland Codified Ordinances 259.01 and 263.01.



Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that CPP submit a corrective action plan addressing what methods will be taken to submit all reports on time in the future to the following enforcement representative:

Mike Samec  
Cleveland Division of Air Quality  
75 Erieview Plaza 2<sup>nd</sup> Floor  
Cleveland, Ohio 44114-1839

In addition, CDAQ requests CPP obtain 2009 city permits-to-operate by submitting city permit fees within thirty (30) days of receipt of this letter to the following address:

City Permit Fee Invoices  
Cleveland Division of Air Quality  
75 Erieview Plaza 2<sup>nd</sup> 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 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 Mike Samec at 216-420-7682. All correspondence with CDAQ must include the Ohio EPA facility identification number for Cleveland Public Power Service Center: 1318000133.

Sincerely,

George Baker  
Chief of Enforcement

GB/ms



cc: Richard Nemeth and Michael J. Krzywicki, CDAQ  
John Paulian, Ohio EPA Central Office  
Lisa Holscher, U.S. EPA Region V  
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encl: Enclose 2009 city permit fee invoice