



City of Cleveland
Frank G. Jackson, Mayor

Department of Public Health
Division of Air Quality
75 Erievue 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**

**CERTIFIED MAIL 7003 1010 0004 2923 4451
RETURN RECEIPT REQUESTED**

December 14, 2010

Sam Arlia
Case Western Reserve University
10620 Cedar Avenue
Cleveland, OH 44106

NON-HPV

FACILITY ID: 13-18-00-2009

NOTICE OF VIOLATION: Operating emergency electrical generators without the required state permits and failure to obtain city permits to operate by submitting city permit fees for calendar years 2007 and 2008

Dear Mr. Arlia:

On December 7, 2010, the Cleveland Division of Air Quality (CDAQ) inspected Case Western Reserve University located at 10620 Cedar Avenue in Cleveland. This letter serves as notification that you are operating sources in violation of the following applicable air statutes, air regulations, or air permit conditions.

Case Western Reserve University has been operating twenty-one (21) emergency electrical generators without obtaining the required state permits. This is a violation of Ohio Administrative Code (OAC) Rule 3745-31-02(A)(1)(c)(2) and Ohio Revised Code (ORC) Section 3704.05(F).

Case Western Reserve University also failed to obtain city permits to operate by submitting city permit fees for calendar years 2007 and 2008. 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 Case Western Reserve University submit Permit By Rule (PBR) applications for the unpermitted emergency electrical generators listed above and obtain city permits to operate by submitting city permit fees for calendar years 2007 and 2008 within thirty (30) days of receipt of this letter to the following enforcement representative:

Andrew Marantides
Cleveland Division of Air Quality
75 Erievue Plaza 2nd Floor
Cleveland, Ohio 44114-1839



Permit By Rule (PBR) instruction and an application form is attached and can be used for a single emissions unit only. The application form can also be found online at the following web address:

<http://www.epa.state.oh.us/dapc/pbr/permitbyrule.aspx>

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.

The appropriate permit application(s) and supplemental form(s) are included with this letter. Please note that all permit applications submitted to CDAQ must include original signatures. Photocopied signatures are not valid; the application will not be accepted by CDAQ and will be returned to you if original signatures are not provided.

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 Andrew Marantides at (216) 420-8049. All correspondence with CDAQ must include the Ohio EPA facility identification number for Case Western Reserve University: 13-18-00-2009.

Sincerely,

Linda Jimmy for G.B.

George Baker
Chief of Enforcement

GB/AM

cc: Michael J. Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
William MacDowell, U.S. EPA Region V
Facility File and L:\Data\Facilities\1318002009\2010-12-7 NOV.docx

encl: Unpermitted emergency electrical generators list
Permit By Rule (PBR) instructions and application form
City permit fee invoices for calendar years 2007 and 2008