



City of Cleveland
Frank G. Jackson, Mayor

Department of Public Health
Division of Air Quality
1925 St. Clair Avenue
Cleveland, Ohio 44114-2080
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 3331
RETURN RECEIPT REQUESTED

10/13/08

Michael Heise
The Medical Center Company
2250 Circle Dr.
Cleveland, OH 44106-2664

HIGH PRIORITY FACILITY
HIGH PRIORITY VIOLATOR – GC7

FACILITY ID: 13-18-00-3059
NOTICE OF VIOLATION: Failure to continuously monitor opacity

Dear Mr. Heise:

On 8/28/08, the Cleveland Division of Air Quality (CDAQ) reviewed the first quarter 2008 emissions summary report sent by The Medical Center Company (MCCo) located at 2250 Circle Drive in Cleveland. This letter serves as notification that you operated sources in violation of the following applicable air statutes, air regulations, or air permit conditions.

MCCo's operation of emissions units B003 and B004, Coal Units #1N and #2N, are in violation of Part III, A, III, 3 of your 5/13/99 Title V permit, Ohio Revised Code Section 3704.05(C) and Title 40 of the Code of Federal Regulations, Part 60, Section 13 in that the equipment to monitor opacity did not operate continuously. Between 1/1/08 and 3/31/08 emissions units B003 and B004's continuous opacity monitor did not operate 9.7% of the 128,598 total source operating time during that period.

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that the Medical Center Company submit a plan for preventing such lengthy monitor downtime to the following enforcement representative:

David Wagner
Cleveland Division of Air Quality
1925 St. Clair Ave. NE
Cleveland, OH 44114-2080



Your written response to this letter must be received by CDAQ within 14 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 ORC Section 3704.99(A), which allows fines of not more than \$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. If you have any questions, please call David Wagner at 216/664-3004. All correspondence with CDAQ must include the Ohio EPA facility identification number for MCCo: 13-18-00-3059.

Sincerely,

Valencia White for GPB

George P. Baker
Chief of Enforcement, CDAQ

GPB/dlw 

cc: Richard Nemeth and Michael J. Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
Lisa Holscher, U.S. EPA Region V
Facility File and L:\Data\Facilities\1318003059\2008-08-25 NOV.docx



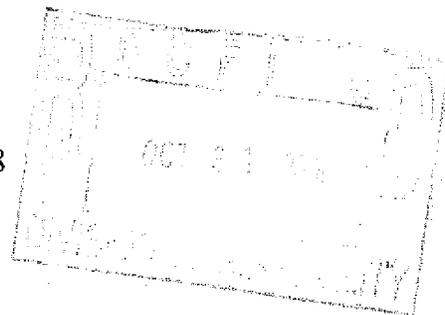
The Medical Center Company

2250 Circle Drive
Cleveland, Ohio 44106-2664
(216) 368-4256
(216) 368-4648 Fax

October 28, 2008

David Wagner
Cleveland Division of Air Quality
1925 St. Clair Ave. NE
Cleveland, OH 44114-2080

Subject: Facility ID 13-18-00-3059
Notice of Violation Dated October 13, 2008



Dear Mr. Wagner:

I writing to respond to the above referenced notice of violation (NOV) which states that the Medical Center Company (MCCo) violated its Title V permit requirement (Part III, A, III, 3 of the 1999 permit) because the equipment to monitor opacity did not operate continuously. The NOV further states that between 1/1/08 and 3/31/08, emissions units B003 and B004's continuous opacity monitor did not operate 9.7% of the 128,598 total source operating time during that period.

MCCo takes its compliance obligations very seriously. As detailed below, the Company has already taken steps to prevent lengthy downtime of the opacity monitor in the future.

However, the downtime referenced in the NOV was attributable to repair of the monitor during that time period and therefore was not a violation of MCCo's permit requirements. The Medical Center Company's Title V permit states in relevant part the following:

The permittee shall operate and maintain existing equipment to continuously monitor and record the opacity of the particulate emissions from this emissions unit. Such continuous monitoring and recording equipment shall comply with the requirements specified in 40 CFR Part 60.13.

40 CFR Part 60.13(e) states the following:

Except for system breakdowns, repairs, calibration checks, and zero span adjustments required under paragraph (d) of this section, all continuous monitoring systems shall be in continuous operation and shall meet minimum frequency of operation requirements... (emphasis added)

As documented in Attachment 1 to this letter, MCCo attempted in good faith to return the opacity monitor to continuous service as expeditiously as possible through repair of the system. Repair of the system was delayed because the contractor initially misdiagnosed

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the problem. After the problem was properly identified, the wrong part was sent which further delayed the repair.

While MCCo does not believe it has violated its permit for failure to operate its opacity monitor continuously, the Company takes its compliance obligations very seriously. Therefore, the Company has taken the following steps to expedite repairs in the future to further minimize any associated downtime.

Corrective Action

- 1) Purchased nearly \$4,000 of major instrument components to expand the inventory on hand in order to expedite future repairs. These are parts that may have significant delivery lead times. A copy of the parts inventory has been attached for your review (Attachment 2).
- 2) The Company has requested quotations for a replacement monitor. In the event of repeated breakdown or repair, MCCo will install and certify a new continuous opacity monitoring system.
- 3) MCCo is discussing an "emergency service guarantee" agreement with the manufacturer, Thermo Fisher Scientific, that would provide next day service in the event of a breakdown of the monitor.

If you have any questions about the information provided in response to the NOV or need additional information regarding the corrective action pursued by MCCo, please contact me at (216) 348-4256 (ext. 15) or via e-mail at Todd@mccco.org.

Respectfully,



Todd Gadawski, P.E.
Manager, Environmental & Safety

Medical Center Company – First Quarter 2008 Opacity Monitor Downtime
Sequence of Events

- Thursday 1/10/08 - Opacity monitor failed (lamp output at 0%). Ordered new lamp assembly via overnight delivery.
- Friday 1/11/08 - Replaced lamp, but did not correct problem with monitor. Called Thermo Fisher to schedule service call for Monday 1/14/08.
- Saturday 1/12/08 - Coal boilers shut down due to problem with bottom ash silo.
- Monday 1/14/08 - Thermo Fisher technician onsite to service opacity monitor. Performed diagnostics and determined motherboard failure. Replaced motherboard and returned monitor to service at 4:30 PM. Coal boilers still off line.
- Tuesday 1/15/08 - Startup of both coal boilers.
- Sunday 1/20/08 - Opacity monitor failed (reading went to 100% and remained at that level).
- Monday 1/21/08 - Phone consultation with Thermo Fisher technician indicates optical unit was not sampling; recommended replacement of microprocessor board for optical head.
- Tuesday 1/22/08 - Received wrong part from Thermo Fisher. Thermo technician scheduled to be onsite Friday 1/25/08 at the earliest, or no later than Monday 1/28/08.
- Wednesday 1/23/08 - Opacity monitor remains out of service. Further phone consultation with Thermo technician indicates malfunction may be more likely due to failed pre-amp detector rather than microprocessor board. Thermo Fisher parts department informs MCCo that pre-amp assembly is not in stock and delivery lead time is 1-2 weeks. Further phone consultation with Thermo technician indicates that he has a used pre-amp in his personal inventory and will bring it on service call.
- Monday 1/28/08 - Thermo technician onsite to repair opacity monitor. Replaced pre-amp assembly and returned monitor to normal operation. Sent fax to Thermo Fisher parts department requesting quote for expanded spare parts inventory.



THERMO ENVIRONMENTAL INSTRUMENTS, INC

27 FORGE PARKWAY

FRANKLIN, MA 02038

PH: 508-520-0430

PH: 866-282-0430

FX: 508-520-2800

Send Purchase Orders to: orders.aqi@thermo.com

QUOTE

Quote # FRAQ18226

Date 01/28/08

Contact dbeach

Phone # 866-282-0430

FOB Point Franklin, MA

Ship Via FedEx Ground

Delivery 1 Week ARO

Terms Net 30 (Pending Review)

RFQ/Bid#

Quote To:

MEDICAL CENTER Co

UNIV CIRCLE 2250 CIRCLE DR ATTN ACCO

CLEVELAND

OH 44106

USA

ATTN:

Todd Gadawski

2163684256

2163684648

todd@mcco.org

Line Item	Qty	Part #	Description	Unit Price	Ext. Price
1	1	79P931	Wiring Diag/Assy Vexta Stp Mtr	\$345.00	\$345.00
2	1	79P930	ASSY, BODINE MOTOR	\$355.00	\$355.00
3	1	3301	Pcb, P.S. Opt. Head	\$640.00	\$640.00
4	1	3303	Pcb Analog/Digital	\$624.00	\$624.00
5	1	3307	Pcb Optical Head Communication	\$496.00	\$496.00
6	1	9837	Pcb Processor Specify Prog #	\$347.00	\$347.00
7	1	3299	Pcb Preamp Assembly	\$669.00	\$669.00
8	1	3290	Pcb Control Communications Ass	\$440.00	\$440.00
Total					\$3,916.00

Regional Sales Manager:

Jorge Rodriguez PH: 508-981-0676

Competitive finance options are available with fast and simple documentation. Please contact your local sales representative for more information on our lease offerings from Thermo Fisher Financial Services.

This quotation is subject to the terms and conditions on the attachment labeled Thermo Environmental Instruments, Inc. Standard Terms and Condition of Sale, as well as the terms outlined in the Service Maintenance Agreement and any associated Service Level Descriptions, which shall constitute the exclusive terms governing the contracts between us for your order. Also, if applicable, a valid export license may be required for shipment of goods outside the territories of the U.S.A.

Product lead-times are subject to change. Our Minimum Order Amount is \$50.00. For government agencies our Cage Code is: OHTS3. Above pricing excludes freight charges and/or applicable hazardous materials fee.

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