



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 # 70020510000224276419  
RETURN RECEIPT REQUESTED

March 5, 2009,

Dave Sabol  
V.A. Medical Center  
10701 East Boulevard  
Cleveland, OH  
44106

NON-HPV

FACILITY ID: 13-18-00-4330

**NOTICE OF VIOLATION : FAILURE TO PAY CITY FEES, OPERATING EMISSION UNITS WITHOUT PROPER PERMITS AND FAILURE TO COMPLY WITH TERMS AND CONDITIONS OF ISSUED PERMITS**

Dear Mr. Dave Sabol:

On February 19, 2009, the Cleveland Division of Air Quality (CDAQ) inspected V.A. Medical Center located at 10701 East Blvd 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.

V.A. Medical Center's operation of four emergency generators, including three diesel generators located in generator room and one natural gas generator located beside the liquid oxygen tanks, are in violation of Ohio Administrative Code Rule 3745-31-03(A)(4)(b) and Ohio Revised Code Section 3704.05(F) for failing to submit permit-by-rule notifications. V.A. Medical Center has been in violation since installing the natural gas generator in 1999 and since the installation of two of the three diesel generators in 2007 and the third diesel generator in 2008,

V.A. Medical Center is also in violation of Ohio Revised Code Section 3704.06(C) for failing to comply with Permit-to-Operate (PTO) terms and conditions for emission units B004, B005 and B006. The PTO for B004, B005 and B006, in Part II(C)(2) provides the following:

*"The permittee shall collect or require the oil supplier to collect a representative grab sample for each shipment of oil that is received for burning in this emissions unit. The permittee shall perform or require the supplier to perform the analyses for sulfur content and heat content in*



*accordance with the following ASTM methods: ASTM method D4294, ASTM method D240, or ASTM method 6010 for sulfur content; and ASTM method D240 for heat content. Alternative, equivalent methods may be used upon written approval by the Cleveland Division of Air Quality”*

Quarterly reports submitted by V.A. Medical Center state that #2 fuel oil deliveries comply with ASTM 396 specifications. This specification does not meet with the ASTM methods outlined in the permit and V.A. Medical Center has not received written approval from CDAQ for any alternative methods.

V.A. Medical Center is also in violation of the Cleveland Codified Ordinance Chapter 263.01 for failing to pay city permit fees for 2006, 2007 and 2008 on emission units B004, B005 and B006. V.A. Medical Center has also failed to pay city permit fees for six diesel storage tanks with a capacity greater than or equal to 20,000 gallons since their installation in 2007, and three diesel emergency generators two of which were installed in 2007 and one installed in 2008.

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that V.A. Medical Center submit Permit-by-Rule notification forms (see enclosure) for the four emergency generators, pay for 2006, 2007 and 2008 City Permit fees (invoices enclosed) and submit a corrective action plan for emission units B004-B006 ASTM methods to the following enforcement representative:

Andrew Kenney  
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 fourteen (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 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 Kenney at 216-420-7683. All correspondence with CDAQ must include the Ohio EPA facility identification number for V.A. Medical Center: 13-18-00-4330.

Sincerely,

Valencia White  
Field Enforcement Manager, CDAQ

VW/ak

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\1318004330\2009-2-19 NOV.doc

encl: Permit by Rule Notification Forms and City Permit Fee Invoices