



City of Cleveland
Frank G. Jackson, Mayor

Department of Public Health
Division of Air Quality
75 Erieview 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 7009 3410 0002 1934 1196
RETURN RECEIPT REQUESTED**

November 1, 2010

Tony Gorczyca
Baltic Clifton Shell
9510 Baltic Road
Cleveland, OH 44102

NON-HPV

FACILITY ID: 13-18-00-6000

NOTICE OF VIOLATION: Failure to conduct Stage II testing; Failure to obtain city permits to operate by submitting fees for calendar years 2007 and 2008

Dear Mr. Gorczyca:

On September 28, 2010, the Cleveland Division of Air Quality (CDAQ) attempted to witness Stage II testing at Baltic Clifton Shell located at 9510 Baltic Road in Cleveland. Testing did not occur due to insufficient fuel levels. This letter serves as notification that you are operating sources in violation of the following applicable air statutes, air regulations, or air permit conditions.

Baltic Clifton Shell is in violation of Ohio Administrative Code (OAC) Rule 3745-21-09(DDD)(1)(c) which states that no owner or operator of a gasoline dispensing facility (GDF) may cause, allow, or permit the transfer of gasoline from a stationary tank at a GDF into a motor vehicle unless the vapor control system successfully passes the testing requirements contained in OAC Rule 3745-21-09(DDD)(2).

Baltic Clifton Shell has failed to conduct Stage II testing as required by Ohio Administrative Code (OAC) Rule 3745-21-09(DDD)(2)(f) at the frequency specified in the California Air Resources Board (CARB) certification for the Stage II vapor recovery equipment. Executive Order G-70-150-AE states that the owner or operator of the installation shall conduct, and pass, an Air-to-Liquid (A/L) Ratio test as specified in TP-201.5 and a Static Pressure Decay (SL) test as specified in Exhibit 3, no later than 60 days after startup and at least once in each twelve month period thereafter. An A/L Ratio and a Static Leak test were last conducted on July 20, 2009. A blockage test is also due by November 16, 2010.

Also, Baltic Clifton Shell has not obtained 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 Baltic Clifton Shell conduct Stage II testing and submit the test results within thirty (30) days of receipt of this letter to the following enforcement representative:

Megan Murphy
Cleveland Division of Air Quality
75 Erieview Plaza 2nd Floor
Cleveland, Ohio 44114-1839

CDAQ also requests that Baltic Clifton Shell 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 address:

City Permit Fee Invoices
Cleveland Division of Air Quality
75 Erieview Plaza 2nd Floor
Cleveland, Ohio 44114-1839

If there is insufficient time to correct the alleged violations within this timeframe, a written response which includes a timeline for correcting the alleged violations must be received within thirty (30) days of receipt of this letter.

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 Megan Murphy at 216-664-4258. All correspondence with CDAQ must include the Ohio EPA facility identification number for Baltic Clifton Shell: 13-18-00-6000.

Sincerely,

Linda Kimmey for G.B.

George Baker
Chief of Enforcement

GB/mm

cc: Michael J. Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
William MacDowell, USEPA, Region V
Facility File and L:\Data\Facilities\1318006000\2010-10-27 NOV.doc

encl: City permit invoices for calendar years 2007 and 2008

COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
 Tony Gorczyca
 Clifton Baltic Shell
 9510 Baltic Rd
 Cleveland, OH 44102

2. Article Number
(Transfer from service label)

7009 3410 0002 1934 1196

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 Signature Agent
 Address

B. Received by (*Printed Name*)
 IBH ALI

C. Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (*Extra Fee*) Yes