



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 7003 1010 0004 2923 5847  
RETURN RECEIPT REQUESTED**

August 16, 2010

Jim Soliman  
Gas USA #3  
3101 Scranton Road  
Cleveland, OH 44109

**FACILITY ID: 13-18-00-6690**

**NOTICE OF VIOLATION: Failure to perform annual Stage II testing, failure to submit Stage II test results and failure to obtain city permits-to-operate for calendar years 2006, 2007, 2008 and 2009**

Dear Mr. Soliman:

On August 12, 2010, the Cleveland Division of Air Quality (CDAQ) inspected Gas USA #3 located at 3101 Scranton Road 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.

CDAQ has determined that Gas USA #3 failed to perform an Air-to-Liquid Ratio test and a Static Leak test as stipulated in Ohio Administrative Code (OAC) Rule 3745-21-09(DDD)(2)(f). The last Air-to-Liquid Ratio and Static Leak tests were performed and passed on April 15, 2009. This is a violation of OAC Rule 3745-21-09(DDD)(1)(c) and Ohio Revised Code Section 3704.05(G). Gas USA #3 also did not submit the April 15, 2009 Stage II test results to the appropriate Ohio EPA office as specified in OAC Rule 3745-21-09(DDD)(2)(c).

CDAQ has also determined that Gas USA #3 has not obtained city permits-to-operate by submitting city permit fees for 2006, 2007, 2008 and 2009. 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 Gas USA #3 perform the annual Air-to-Liquid and Static Leak test and submit the tests' results within thirty (30) days of receipt of this letter to the following enforcement representative:



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

CDAQ also requests Gas USA #3 obtain city permits to operate by submitting city permit fees for calendar years 2006, 2007, 2008 and 2009 within thirty (30) days of receipt of this letter to the following address:

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

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 Marantides at (216) 420-8049. All correspondence with CDAQ must include the Ohio EPA facility identification number for Gas USA #3: 13-18-00-6690.

Sincerely,

*Linda Kimmey for G.B.*

George Baker  
Chief of Enforcement

GB/AM

cc: Michael J. Krzywicki, CDAQ  
John Paulian, Ohio EPA Central Office  
Lisa Holscher, U. S. EPA Region V  
Facility File and L:\Data\Facilities\1318006690\2010-8-12 NOV.docx

encl: City permit fee invoices for calendar years 2006, 2007, 2008 and 2009

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <input type="checkbox"/> Agent  <input checked="" type="checkbox"/> Addressee</p>
<p>1. Article Addressed to: <span style="float: right;">-DD-USD</span></p> <p>JIM Soliman          Gas USA #3</p> <p>3101 Scranton Road          Cleveland, OH 44109</p>	<p>B. Received by (Printed Name) C. Date of Delivery</p> <p>LUZ Ann (M) 5/18/10</p>
<p>2. Article Number          (Transfer from service label)</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes          If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
	<p>7003 1010 0004 2923 5847</p>