



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 5540  
RETURN RECEIPT REQUESTED**

June 1, 2010

Steve Daymut  
East 55<sup>th</sup> Shell  
5505 St. Clair Avenue  
Cleveland, OH 44103

**FACILITY ID: 13-18-00-6861  
NOTICE OF VIOLATION: FAILURE TO PERFORM ANNUAL STAGE II  
TESTING (STATIC LEAK AND AIR-TO-LIQUID TESTS)**

Dear Mr. Daymut:

On May 28, 2010, the Cleveland Division of Air Quality (CDAQ) inspected East 55<sup>th</sup> Shell located at 5505 St. Clair 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.

CDAQ has determined that East 55<sup>th</sup> Shell failed to perform annual Static Leak and Air-to-Liquid Ratio tests as stipulated in Ohio Administrative Code (OAC) Rule 3745-21-09(DDD)(2). This is a violation of the Permit By-Rule issued June 7, 2007, Ohio Administrative Code Rule 3745-31-05(A)(3) and 3745-21-09(DDD)(2), and Ohio Revised Code Section 3704.05(C) and (G).

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that East 55<sup>th</sup> Shell submit a corrective action plan to the following enforcement representative:

Andrew Marantides  
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 Marantides at (216) 420-8049. All correspondence with CDAQ must include the Ohio EPA facility identification number for East 55<sup>th</sup> Shell: 13-18-00-6861.

Sincerely,

A handwritten signature in black ink, appearing to read 'George Baker'.

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\1318006861\2010-5-28 NOV.docx

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 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: 00-6861  
 Steve Paymut  
 East 55<sup>th</sup> shell  
 5505 St. Clair Avenue  
 Cleveland, OH 44103

2. Article Number 7003 1010 0004 2923 5540  
*(Transfer from service label)*

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Anna Hester  Agent  
 Address

B. Received by, (Printed Name) RW C. Date of Delivery 6-5-10

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