



**City of Cleveland**  
Frank G. Jackson, Mayor

Department of Public Health  
Division of Air Quality  
75 Erieview Plaza, Second Floor  
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 7011 2000 0002 6936 2764  
RETURN RECEIPT REQUESTED**

July 24, 2012

Marc Divis  
General Manager  
Cleveland Thermal LLC  
1921 Hamilton Avenue  
Cleveland, OH 44114-3515

**HIGH PRIORITY FACILITY  
HIGH PRIORITY VIOLATOR – GC7**

**FACILITY ID: 13-18-00-0246**

**NOTICE OF VIOLATION: Failure to conduct emissions testing within 6 months of Title V permit issuance**

Dear Mr. Divis:

On December 29, 2011, a Final Air Pollution Control Title V Permit (Permit Number P0094247), issued by the Ohio Environmental Protection Agency (Ohio EPA), was effective for Cleveland Thermal LLC, located at 1921 Hamilton 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.

Pursuant to your Title V Permit referenced above, emissions testing for either emissions unit (EU) B001, B002, or B003: 170 mmBtu/hr oil-fired boiler, should have been completed within six months of permit issuance. As such, emissions testing should have occurred on either EU B001, B002, or B003 by June 29, 2012. This is a violation of your Title V permit, Emissions Unit Terms and Conditions, under Section C.3.f(2); and Ohio Revised Code section 3704.05(C).

Emissions testing is required to demonstrate Cleveland Thermal LLC's compliance with the allowable mass particulate emissions rate that does not exceed 0.10 pound per mmBtu of actual heat input and visible particulate emissions that do not exceed 20% opacity.

Unless you undertake some type of corrective action with respect to the above noted violation, you will remain in non-compliance. However, CDAQ understands that the applicable testing is scheduled for August 3, 2012.



You are expected to complete the required emissions testing per your Title V permit and submit the testing results within thirty (30) days of completion of the testing. Failure to do so may result in referral to Ohio EPA or U.S. EPA for further enforcement action. Fulfillment of your commitments contained within this letter does not constitute a waiver of CDAQ's ability to refer this matter to Ohio EPA or U.S. EPA for further enforcement action.

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 (\$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. Should you have any questions, please call Valerie Shaffer at (216)664-6292. All correspondence with CDAQ must include the Ohio EPA facility identification number for Cleveland Thermal LLC: 13-18-00-0246.

Sincerely,

Valencia White  
Chief of Enforcement, CDAQ

VW/vls LK

cc: George P. Baker, CDAQ  
Michael J. Krzywicki, CDAQ  
John Paulian, Ohio EPA Central Office  
William MacDowell, U.S. EPA Region V  
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