



**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 3500 0000 1759 9611  
RETURN RECEIPT REQUESTED**

March 19, 2013

Tony Gorczyca  
Owner  
Baltic Clifton Shell  
17777 Bagley Road  
Middleburg Heights, OH 44130

NON-HPV

**RE: 9510 BALTIC ROAD  
FACILITY ID: 13-18-00-6000**

**NOTICE OF VIOLATION: Failure to perform Stage II Testing; failure to obtain a 2012 City of Cleveland permit to operate**

Dear Mr. Gorczyca:

On March 15, 2013, the Cleveland Division of Air Quality (CDAQ) inspected Baltic Clifton Shell located at 9510 Baltic 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 Baltic Clifton Shell failed to perform an Air-to-Liquid (A/L) Ratio test, and a Static Leak test on Emission Unit (EU) G001: Stage I and Stage II Gasoline Dispensing Facility: Gilbarco as stipulated in Ohio Administrative Code (OAC) Rule 3745-21-09(DDD)(2). This is a violation of OAC Rule 3745-21-09(DDD)(1)(c), and Ohio Revised Code (ORC) Section 3704.05(G). Baltic Clifton Shell has been in violation since December 28, 2012.

In addition, Baltic Clifton Shell is in violation of the City of Cleveland's Codified Ordinance Chapters 259.01 and 263.01 for failing to obtain a 2012 City of Cleveland permit to operate by not submitting city air contaminant source fees.

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 perform an A/L Ratio, and Static Leak test, and submit the test results within thirty (30) days of the test to the to the following enforcement representative:

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

CDAQ also requests that Baltic Clifton Shell obtain a 2012 City of Cleveland permit to operate by submitting city air contaminant source fees within fourteen (14) days of receipt of this letter to CDAQ at the following address:

City Permit Fee Invoices  
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, a written response must be received within fourteen (14) days of your receipt of this letter that includes 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 (\$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 Bryan Sokolowski at (216) 420-7663. All correspondence with CDAQ must include the Ohio EPA facility identification number for Baltic Clifton Shell: 13-18-00-6000.

Sincerely,

Valencia White  
Chief of Enforcement, CDAQ

VW/BS

cc: George P. Baker, CDAQ  
Michael J. Krzywicki, CDAQ  
John Paulian, Ohio EPA Central Office  
Brian Dickens, U.S. EPA Region V  
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encl: 2012 City Permit Fee Invoice