

**United States Environmental Protection Agency  
Region 5**

<b>IN THE MATTER OF:</b>	)	
	)	
Cleveland Energy Resources	)	<b>FINDING OF VIOLATION</b>
Canal Road Plant	)	
Cleveland, Ohio	)	<b>EPA-5-00-OH-14</b>
	)	
Proceedings Pursuant to	)	
the Clean Air Act,	)	
42 U.S.C. §§ 7401 <u>et seq.</u>	)	

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**FINDING OF VIOLATION**

The United States Environmental Protection Agency finds that Cleveland Energy Resources has violated Section 113 and 114 of the Clean Air Act, 42 U.S.C. §§ 7413 and 7414. Specifically, Cleveland Energy Resources violated an Administrative Order issued pursuant to Sections 113(a)(1)(A) and 114 (a)(1) of the Clean Air Act (Act):

**Statutory Authority**

1. Section 113(a)(1)(A) of the Act, 42 U.S.C. §7413(a)(1)(A), in applicable part, authorizes the Administrator of the U.S. EPA (Administrator) to issue an order requiring a person to comply with the requirements of a State Implementation Plan (SIP) whenever the Administrator, based on any information available to him, finds that such person has violated or is in violation of these requirements.
2. Section 114(a)(1) of the Act, 42 U.S.C. §7414(a)(1) authorizes the Administrator to require any person who owns or operates any emission source or who is subject to any requirement of this Act on a one-time, periodic, or continuous basis to sample emissions in a prescribed manner, for the purpose of determining violation of the SIP and of the Act.

**Findings**

3. Cleveland Energy Resources owns and operates a district heating system which includes the Canal Road Steam Plant in Cleveland, Cuyahoga County, Ohio. The facility consists of, among other things, the number 34 chain grate boiler (B001), the number 35 chain grate boiler (B002), the number 36 chain grate boiler (B003 - not in active service), and the number 37 chain grate boiler (B004).
4. On July 9, 1998, U.S. EPA issued Administrative Order No. EPA-5-OH-98-16 (Order). The Order required the CER to conduct six stack tests at its facility, two on each boiler in active service, in accordance with the test protocol set forth in Appendix A of the Order.
5. Appendix A of the Order required that CER conduct the stack tests using "worst case coal" as the fuel for the boilers.
6. In a letter to U.S. EPA dated October 28, 1998, the facility represented that its "worst case coal" contained 8-12 percent ash and no more than 13,600 BTU/lb as measured dry during the testing. Additionally, that coal contained approximately 19 percent fines less than 1/4" in size.
7. Between November 5, 1998, and April 20, 1999, CER conducted six stack tests to test particulate emission, two on each boiler.

**Violations**

8. According to data submitted with the test results, the ash content of the coal used during the testing averaged 5.86 percent with a BTU content of 14,234 per pound as measured dry and 12.6 percent fines. These are significant departures from the specified testing conditions, i.e. "worst case coal," and each of these departures created a favorable bias during testing and rendered each test invalid for demonstrating compliance.

The Administrator of the U.S. EPA, by authority duly delegated to the undersigned, hereby notifies you and the State of Ohio that Cleveland Energy Resources is in violation of Administrative Order No. EPA-5-98-13 and Sections 113 and 114(a)(1) of the Act, 42 U.S.C. §§ 7413 and 7414(a)(1).

3-31-00

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Date



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Bharat Mathur, Director  
Air and Radiation Division

**CERTIFICATE OF MAILING**

I, Loretta Shaffer, certify that I sent a Finding of Violation, No. EPA-5-00-OH-14, by Certified Mail, Return Receipt Requested, to:

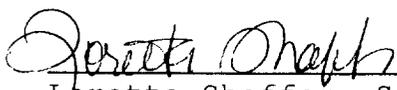
Gerald Hoover, General Manager  
Cleveland Energy Resources  
Chesterfield Building  
1801 East 12<sup>th</sup> Street  
Suite 201  
Cleveland, Ohio 44114-3526

I also certify that I sent copies of the Finding of Violation by first class mail to:

Robert Hodanbosi, Chief  
Division of Air Pollution Control  
Ohio Environmental Protection Agency  
Lazarus Government Center  
P.O. Box 1049  
Columbus, Ohio 43216-1049

Mark Villem, Project Coordinator  
Department of Public Health and Welfare  
Division of the Environment  
1925 St. Clair Avenue  
Cleveland, Ohio 44114

on the 3<sup>rd</sup> day of April, 2000.

  
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Loretta Shaffer, Secretary  
AECAS, MN-OH

CERTIFIED MAIL RECEIPT NUMBER: 2199 026 575