



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

January 17, 2013

RE: CUYAHOGA COUNTY
CITY OF CLEVELAND
EAST 185TH MARATHON
NPDES PERMIT NO. OH0101419
OHIO EPA PERMIT NO. 3IG00061

Amin Mohammad
Shaker Real Estate & Property LLC
6401 Barberton Road
Cleveland, OH 44102

Dear Mr. Mohammad:

On December 10, 2012, an inspection was conducted at the referenced facility by the undersigned. The purpose of the inspection was to review the site for consideration of re-issuance of a National Pollutant Discharge Elimination System (NPDES) discharge permit for the facility.

Facility Description

The retail station provides fuel dispensing services for gasoline, diesel, and kerosene. No vehicle maintenance activities occur on the property. An oil/water separator, designed to collect storm water runoff from the diesel and kerosene fueling area, discharges to Euclid Creek via Outfall 001.

The NPDES permit for this facility was issued effective on May 1, 2005 and expired on April 30, 2010. Per the conditions of the permit, a timely renewal application was not submitted for the facility prior to the date of expiration in violation of Ohio Administrative Code (OAC) Section 3745-33 and Ohio Revised Code (ORC) Chapter 6111. Pursuant to both Federal and State regulations, renewal applications **are required** to be submitted no later than 6 months prior to the date of expiration. Thus, the "**authorization to discharge**" expired on April 30, 2010. The application for renewal was received by Ohio EPA on May 24, 2012.

Inspection Findings/Compliance Status

At the time of the inspection, there was minimal flow from the o/w separator to Outfall 001. Additionally, no visible impact was evident downstream of the outfall in Euclid Creek.



Discharge monitoring reports (DMR) received by Ohio EPA for the period, January 2010 – December 2012, were reviewed for compliance with the final effluent limitations and monitoring requirements of the NPDES permit. A summary of the specific violations are listed below:

Reporting Period	Station	Parameter	Limit Type	Limit	Reported Value	Violation Date
March 2010	001	Oil and Grease, Total	1D Conc	10	25.	3/26/2010
April 2011	001	Oil and Grease, Total	1D Conc	10	15.	4/19/2011

In addition to the above, the review noted that the DMRs are being submitted and **certified** by Mr. Tim Spevak, of North Coast Environmental Labs. While eDMR allows permitted facilities to enter and submit DMR data, federal and state regulations specify who can legally sign and certify the reports. Pursuant to the regulations, DMRs can **only** be signed and certified by a facility's responsible official, i.e. owner, principal executive officer, or ranking elected official, or by a duly authorized representative of said official. Pursuant to Title 40 Code of Federal Regulations (40 CFR) 122.22 (b):

A person is a duly authorized representative only if:

- (1) The authorization is made in writing by a person described in paragraph (a) of this section;***

- (2) ***The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company, (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) and,***
- (3) ***The written authorization is submitted to the Director.***

Based on the above requirements, Mr. Spevak should not sign and certify the DMRs. The person authorized to sign and submit DMRs for the facility will need to obtain an Ohio eBusiness Center account and Personal Identification Number (PIN). e-DMR is accessible via the Ohio EPA eBusiness Center. The eBusiness Center is found on the following web page:

<https://ebiz.epa.ohio.gov>

The Personal Identification Number, or PIN, assigned by Ohio EPA uniquely identifies and serves as the **electronic signature** of the responsible or duly-authorized official. Under the eDMR program, the PIN holder can delegate individuals, such as lab personnel, with the privilege to view, create and edit DMRs...but not submit eDMR data. These individuals must have an eBusiness Center account, but do not need a PIN. Since they do not have the privilege of actually certifying the data, the law does not require them to have a PIN. Once these users perform the data entry or review the data, the DMR is saved and the PIN holder can log on and submit the DMR.

Summary/Conclusion

Please inform this office, in writing, within 10 days of receipt of this notification as to the actions taken or proposed to address the above referenced violations and/or deficiencies. Please be advised that past or current acts of noncompliance can continue as subjects of future enforcement actions. Such actions can result in the imposition of fines of up to \$10,000 per day of violation.

Should you have any questions or comments regarding this letter, please contact me at (330) 963-1196.

Respectfully,



Ermelindo Gomes
Environmental Engineer
Division of Surface Water

EG/cs

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