



City of Cleveland
Frank G. Jackson, Mayor

Department of Public Health
Division of Air Quality
75 Erieview Plaza, Second Floor
Cleveland, Ohio 44114-1839
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www.clevelandhealth.org

**SERVING OHIO EPA AS AGENCY 13
FOR CUYAHOGA COUNTY**

**CERTIFIED MAIL #70122210000052090410
RETURN RECEIPT REQUESTED**

April 19, 2013

Kulwinder Rai
Pleasant Valley Gas Station
7213 Pleasant Valley Road
Parma, OH 44129

NON-HPV

FACILITY ID: 13-18-45-6819

NOTICE OF VIOLATION: Operating an emissions unit without applying for a permit, failing to provide proof of attendance and completion of training required by Ohio EPA, failing to provide required record keeping and failing to perform Stage II testing.

Dear Mr. Rai:

On April 11, 2013, the Cleveland Division of Air Quality (CDAQ) inspected Pleasant Valley Gas Station (Pleasant) located at 7213 Pleasant Valley 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.

Pleasant is operating an emissions unit, a Gasoline Dispensing Facility, in violation of Ohio Administrative Code (OAC) Rule 3745-31-02(A)(1)(c), in that Pleasant failed to first obtain authority to operate a Gasoline Dispensing Facility, through issuance of a permit-to-install/operate (PTIO). Pleasant's failure to obtain a PTIO is also a violation of Ohio Revised Code section 3704.05(F). During CDAQ's inspection, Pleasant's owner, Kulwinder Rai, stated that he took ownership and began operating Pleasant in October of 2012.

A PTIO application form with instructions can be found on Ohio EPA's Website at: <http://www.epa.ohio.gov/dapc/permits/permits.aspx>. Please note that in lieu of obtaining a PTIO, facilities can elect to operate legally as an air contaminant source under the permit-by-rule (PBR) exemption for gas stations if the gas station meets the qualifying criteria pursuant to the PBR exemption. Information relating to PBR status and a PBR notification form is included with this letter.



Furthermore, Pleasant is in violation of OAC Rule 3745-21-09(DDD)(1) in that the required Stage II vapor recovery testing, as contained in OAC Rule 3745-21-09(DDD)(2), has not been performed. This is also violation of Ohio Revised Code section 3704.05(G).

Pleasant also failed to provide a Stage II compliance specialist certificate as required by OAC Rule 3745-21-09(DDD)(3)(a)(vi), which states that any owner or operator of a Gasoline Dispensing Facility must provide proof of attendance and completion of the training required by the Ohio EPA for the operator or local manager of the Gasoline Dispensing Facility. This is a violation of Ohio Revised Code section 3704.05(G).

In addition, Pleasant failed to provide record keeping as required by OAC Rule 3745-21-09(DDD)(3)(iii) which states that a log of the date and description of all repair and maintenance work performed (including, but not limited to, work performed to meet manufacturer's specifications or CARB certification requirements), or any other modifications made to the vapor control system. This is a violation of Ohio Revised Code section 3704.05(G).

During the inspection on April 11, 2013, CDAQ supplied Pleasant with a copy of a template to record all required maintenance records as required by OAC Rule 3745-21-09(DDD)(3)(iii).

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that Pleasant submit a PTIO application, or PBR notification form, for the operation of your Gasoline Dispensing Facility as well as a Stage II compliance specialist certificate, to the following enforcement representative, within thirty (30) days of receipt of this letter:

Andrew Kenney
Cleveland Division of Air Quality
75 Erieview Plaza 2nd Floor
Cleveland, Ohio 44114-1839

In addition, Pleasant is to perform all required Stage II testing which has been previously scheduled for May 6, 2013, and submit the testing results within thirty (30) days of receipt of this letter.

Your written response to this letter must be received by CDAQ within thirty (30) 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.

Please note that all permit applications submitted to CDAQ must include original signatures. Photocopied signatures are not valid; the application will not be accepted by CDAQ and will be returned to you if original signatures are not provided.



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.

Free assistance with state and/or federal regulations, rules, laws or permit conditions can be provided at no charge through the Ohio EPA Office of Compliance Assistance and Pollution Prevention (OCAPP). OCAPP can be contacted at <http://www.epa.ohio.gov/ocapp> or (614) 644-3469 or (800) 329-7518. CDAQ makes no guarantee that the facility will meet the qualifying guidelines established by OCAPP.

OCAPP can also provide assistance to facilities that want to investigate methods of pollution prevention to reduce raw material usage and waste production. Again, there is no charge for their services.

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 Kenney at 216-420-7683. All correspondence with CDAQ must include the Ohio EPA facility identification number for Pleasant Valley Gas Station: 13-18-45-6819.

Sincerely,

Valencia White
Chief of Enforcement, CDAQ

VW/ak
(initials)

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: PBR Notification Form