



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 3426
RETURN RECEIPT REQUESTED**

June 19, 2013

Belal Odat
Owner
Arthur's Shell Express Gas
15400 Euclid Ave.
East Cleveland, OH 44112-2808

NON-HIGH PRIORITY FACILITY

FACILITY ID: 13-18-18-6788

**SECOND NOTICE OF VIOLATION: PERMIT-TO-INSTALL/OPERATE APPLICATION
OR PERMIT-BY-RULE NOTIFICATION REQUIRED; PROOF OF COMPLETION OF
THE TRAINING REQUIRED BY THE OHIO EPA (STAGE II TRAINING) REQUIRED**

Dear Mr. Odat:

On April 11, 2013, the Cleveland Division of Air Quality (CDAQ) inspected the gasoline dispensing facility (GDF) formerly known as Arthur's Shell located at 15400 Euclid Avenue in East Cleveland. This letter serves as your *second* notification that you are operating a source in violation of the following applicable air statutes, air regulations, or air permit conditions.

On April 15, 2013, CDAQ issued a Notice of Violation (NOV); it explained that two deficiencies exist. Your operation of emissions unit G001: a gasoline dispensing facility (GDF) with Stage II vapor recovery controls, is in violation of Ohio Administrative Code (OAC) Rule 3745-31-02(A)(1) and Ohio Revised Code (ORC) Sections 3704.05(F) and (G), in that you failed to first obtain authority to operate the GDF through the issuance of a permit-to-install/operate (PTIO) or by submitting a Permit-by-Rule (PBR) notification form.

The April 15, 2013 NOV also explained that the second deficiency related to training, in that you failed to produce documentation that you attended Stage II vapor control system training required by the Ohio Environmental Protection Agency (EPA). This is a violation of OAC Rule 3745-21-09(DDD)(3)(a)(vi) and ORC Section 3704.05(G).

On May 20, 2013, CDAQ received a note from you via fax that requested a 21-day extension. In response, CDAQ issued a Receipt of Corrective Action Plan on May 24, 2013, and granted an extension until June 14, 2013.

To date, CDAQ has not received any correspondence from you about either deficiency since your May 20, 2013 fax. Failure to resolve these deficiencies may result in referral to Ohio EPA or U.S. EPA for further enforcement action. Fulfillment of your commitments included in a corrective action plan and/or any modifications 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.



CDAQ requests that you submit a PTIO application or PBR notification form to the following address:

Permitting Section
Cleveland Division of Air Quality
75 Erieview Plz., Fl. 2
Cleveland, OH 44114-1839

CDAQ requests that you submit proof of Stage II vapor control system training to the following enforcement representative:

David Wagner
Cleveland Division of Air Quality
75 Erieview Plz., Fl. 2
Cleveland, OH 44114-1839

CDAQ must receive the PTIO application or PBR notification form and proof of Stage II training within fourteen (14) 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.

Violations of Ohio air pollution laws and /or permit terms and conditions are subject to the penalties stipulated in ORC Section 3704.99(A), which allows fines of not more than \$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.

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. If you have any questions, please call David Wagner at 216/664-3004. All correspondence with CDAQ regarding this GDF must include its Ohio EPA facility identification number: 13-18-18-6788.

Sincerely,

Valencia White
Chief of Enforcement, CDAQ

VW/dlw

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