



**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 8638  
RETURN RECEIPT REQUESTED**

June 27, 2013

Ameed Abuzahrieh  
Prime Properties Ltd.  
4295 Tiedeman Road  
Cleveland, OH 44144

**NON-HIGH PRIORITY FACILITY**

**FACILITY ID: 13-18-10-7060**

**NOTICE OF VIOLATION: Failure to post clear operating instructions in each gasoline dispensing area; Failure to comply with Ohio EPA required recordkeeping requirements.**

Dear Mr. Abuzahrieh:

On June 11, 2013, the Cleveland Division of Air Quality (CDAQ) inspected Prime Properties Ltd/Prime # 9 (Prime #9) located at 4295 Tiedeman 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.

Prime #9 has failed to conspicuously post operating instructions in each gasoline dispensing area. This is a violation of Ohio Administrative Code (OAC) Rule 3745-21-09(DDD)(1) and Ohio Revised Code Section 3704.05 (G). Please note that OAC Rule 3745-21-09(DDD)(1)(d) specifies that operating instructions shall clearly describe how to properly fuel motor vehicles and shall specifically prohibit the "topping off" of the motor vehicle fuel tank.

Additionally, Prime #9 has failed to comply with Ohio EPA recordkeeping requirements. The required documents are:

- Proof of attendance and completion of Stage II Compliance Specialist training for the operator or local manager of the gasoline dispensing facility (GDF) according to OAC Rule 3745-21-09(DDD)(3)(a)(vi).
- A copy of the most recent operating permit issued by the Ohio EPA; or Permit-By-Rule (PBR) Notification form as specified in OAC Rule 3745-21-09(DDD)(3)(a)(v).
- Copies of all completed Post Test Inspection Forms as specified in OAC Rule 3745-21-09(DDD)(3)(a)(vii).

All records shall be retained by the owner or operator for a period of not less than three years and shall be made available to the CDAQ representative for review during normal business hours.

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that Prime #9 submit copies of the required documents within thirty (30) days, to the following enforcement representative:



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

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.

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 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 Ohio EPA Office of Compliance Assistance and Pollution Prevention (OCAPP). OCAPP can be contacted at <http://www.epa.state.oh.us/ocapp> or (614) 644-3469 or (800) 329-7518. CDAQ makes no guarantee that the facility will meet the qualifying guidelines established by the OCAPP.

Facilities that want to investigate methods of pollution prevention to reduce raw material usage and waste production can contact the Ohio EPA Office of Compliance Assistance and Pollution Prevention (OCAPP). OCAPP can be contacted at <http://www.epa.state.oh.us/ocapp> or (614) 644-3469 or (800) 329-7518 and 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 Roman Fedorko at (216)664-4794. All correspondence with CDAQ must include the Ohio EPA facility identification number for Prime #9: 13-18-10-7060.

Sincerely,

Valencia White  
Chief of Enforcement, CDAQ

VW/rf

cc: Edward Marotta, Manager, Prime #9  
George P. Baker, CDAQ  
Michael J. Krzywicki, CDAQ  
John Paulian, Ohio EPA Central Office  
Brian Dickens, U.S. EPA Region V  
L:\Data\Facilities\1318107060\2013-06-11 NOV.docx