


City of Cleveland
Frank G. Jackson, Mayor

Department of Public Health
Division of Air Quality
75 Erievue 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 7012 2210 0000 5209 0946
RETURN RECEIPT REQUESTED**

August 13, 2013

Elias Kassouf
Prime Properties Ltd. (Prime #6)
1370 West 6th Street, Suite 206
Cleveland, Ohio 44113

NON-HIGH PRIORITY FACILITY

FACILITY ID: 13-18-00-7317

NOTICE OF VIOLATION: Operating without a permit, failure to provide proof of attendance and completion of training required by Ohio EPA, and failure to obtain 2012 and 2013 City of Cleveland permits to operate.

Dear Mr. Kassouf:

On August 6, 2013, the Cleveland Division of Air Quality (CDAQ) inspected Prime Properties Ltd. (Prime #6) located at 5110 Clark Avenue 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 #6's operation of Emission Unit (EU) G001: Stage I and Stage II Gasoline Dispensing Facility: Gilbarco 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), for operating an emission source without first applying for and obtaining a Permit-to-Install/Operate (PTIO) or by submitting a Permit-by-Rule (PBR) notification form. A PTIO or PBR notification form is required to operate your gasoline dispensing facility and must accurately identify the owner, facility contact, and the equipment installed. Prime #6 has been in violation since May 2012.

In addition, Prime #6 failed to provide a Stage II compliance specialist certificate at the time of the inspection, which is in violation of 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 also a violation of ORC Section 3704.05(G).



Furthermore, Prime #6 is in violation of the City of Cleveland's Codified Ordinance Chapters 259.01 and 263.01 for failing to obtain 2012 and 2013 City of Cleveland permits to operate by not submitting city air contaminant source fees.

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 #6 submit either a PTIO application or a PBR notification form for EU G001 and a copy of a Stage II compliance specialist certificate once the required training has been completed, within thirty (30) days of your receipt of this letter to the following address:

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

CDAQ also requests that Prime #6 obtain 2012 and 2013 City of Cleveland permits to operate by submitting city air contaminant source fees within thirty (30) days of receipt of this letter to CDAQ at the following address:

City Permit Fee Invoices
Cleveland Division of Air Quality
75 Erieview Plaza 2nd Floor
Cleveland, Ohio 44114-1839

If there is insufficient time to correct the alleged violations within this timeframe, a written response must be received within thirty (30) days of receipt of this letter that includes a timeline for correcting the alleged violations.

The appropriate permit application(s) and supplemental form(s) can be found at:

<http://www.epa.state.oh.us/dapc/pbr/permitbyrule.aspx>

<http://www.epa.state.oh.us/dapc/fops/eac/eacforms.aspx>

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.

Permit-to-install/operate (PTIO) applications may be completed through the Ohio EPA eBusiness Center at <https://ebiz.epa.ohio.gov/>. An account is required to be created and a pin number assigned.

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.

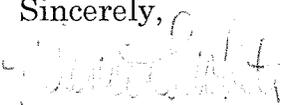


Free assistance with state and/or federal regulations, rules, laws or permit conditions can be provided at no charge through the Ohio EPA Office of Compliance Assistance and Pollution Prevention (OCAPP). OCAPP can be contacted at <http://www.epa.ohio.gov/ocapp> or (614) 644-3469 or (800) 329-7518. CDAQ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

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 Bryan Sokolowski at (216) 420-7663. All correspondence with CDAQ must include the Ohio EPA facility identification number for Prime Properties Ltd. (Prime #6): 13-18-00-7317.

Sincerely,


Valencia White
Chief of Enforcement, CDAQ

VW/BS

cc: Jeff Allison, Prime Properties Ltd.
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: 2012 & 2013 City Permit Fee Invoices