



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 7012 2210 0000 5209 3947
RETURN RECEIPT REQUESTED

September 13, 2013

Naser Najjar
Vice President
Marathon / Giant America
12436 Euclid Ave.
East Cleveland, OH 44106-4315

NON-HIGH PRIORITY FACILITY

FACILITY ID: 13-18-18-8390

**NOTICE OF VIOLATION: Failure to submit your 2012 Permit Evaluation Report
RESOLUTION OF VIOLATIONS FOLLOW-UP LETTER**

Dear Mr. Najjar:

On September 3, 2013, the Cleveland Division of Air Quality (CDAQ) inspected Marathon / Giant America located at 12436 Euclid Avenue in East 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.

Marathon / Giant America failed to submit the 2012 permit evaluation report (PER) by the May 15, 2013 deadline. The failure to promptly submit the 2012 PER was in violation of your permit-to-install/operate (PTIO) #P0095358, Parts A (7) and C(1)(e); Ohio Administrative Code Rule 3745-15-03(D)(1); and Ohio Revised Code (ORC) Sections 3704.05(C) and (G). However, the above-noted PER was received on September 3, 2013. Appropriate steps were taken to bring the source into compliance. CDAQ has determined that no further enforcement action is warranted at this time, but reserves its right to take such action in the future if necessary.

Please note that your facility may be eligible for the Permit-by-Rule (PBR) exemption for gasoline dispensing facilities. This exemption is based on monthly and annual throughput amounts. More information about the PBR exemption form can be found at the following web address:

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



Please review the PBR requirements for gasoline dispensing facilities to determine if your facility meets the criteria for this exemption. A PBR Notification form has been enclosed with this letter. If your facility is eligible for the PBR exemption, please submit the completed form to the following address:

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

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.

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 must include the Ohio EPA facility identification number for Marathon / Giant America: 13-18-18-8390.

Sincerely,

Valencia White
Chief of Enforcement, CDAQ

VW/dlw

cc: ⁽¹⁵⁾ 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 and instructions
"GDF: Know Your EPA Regulations" fact sheet