

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Gregg Budoi
EZ Energy
PO Box 2506
Mansfield, OH 44906

COMPLETE THIS SECTION ON DELIVERY

A. Signature

[Handwritten Signature]

Agent

Addressee

B. Received by (Printed Name)

BRUCE TATE

C. Date of Delivery

1-19-70

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

Certified Mail

Express Mail

Registered

Return Receipt for Merchandise

Insured Mail

C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

2. Article Number

(transfer from service label)

7003 1010 0004 2923 7261

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540



City of Cleveland
Frank G. Jackson, Mayor

Department of Public Health
Division of Air Quality
75 Erieview Plaza, Suite 200
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 7003 1010 0004 2923 7261
RETURN RECEIPT REQUESTED

January 11, 2010

Gregg Budoi
EZ Energy
PO Box 2506
Mansfield, OH 44906

NON-HPV

FACILITY ID: 13-18-25-6969

NOTICE OF VIOLATION: Failing 2009 Stage II testing; Failure to perform maintenance checks and maintain logs; Failure to conspicuously post fueling instructions which clearly state "Do Not Top Off"

Dear Mr. Budoi:

On December 16, 2009, the Cleveland Division of Air Quality (CDAQ) inspected Easy Trip #1111 located at 6267 Wilson Mills Road in Highland Heights. This letter serves as notification that you are operating sources in violation of the following applicable air statutes, air regulations or air permit conditions.

Easy Trip #1111 failed to provide records of required maintenance per Executive Order G-70-153-AD. This is a violation of the Ohio Administrative Code (OAC) Rule 3745-21-09(DDD)(3)(iii). Weekly maintenance logs need to be conducted and retained for a period of three years. This is a violation of OAC Rule 3745-21-09(DDD)(3)(b), which states that all records shall be maintained for a period of not less than three years and shall be made available to the director or any authorized representative of the director for review during normal business hours.

Easy Trip #1111 is also in violation of OAC Rule 3745-21-09(DDD)(1)(d) by operating a gasoline dispensing facility while failing to conspicuously post operating instructions on each dispenser. Instructions must clearly state "Do Not Top Off" of the motor vehicle fuel tank.

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that Easy Trip #1111 begin conducting weekly maintenance checks and maintain corresponding logs, and submit a two-week sample of a completed maintenance log within thirty (30) days of receipt of this letter to the following enforcement representative:



Megan Murphy
Cleveland Division of Air Quality
75 Erieview Plaza 2nd Floor
Cleveland, OH 44114-1839

In addition, CDAQ requests Easy Trip #1111 post the operating instructions that state "Do Not Top Off" on each dispenser within thirty (30) days of receipt of this letter.

Easy Trip #1111 failed an Air-to-Liquid (A/L) ratio test on dispensers #6 and #8 on December 16, 2009. The failure to successfully pass the testing requirements specified in Ohio Administrative Code (OAC) Rule 3745-21-09(DDD)(2) while causing, allowing or permitting the transfer of gasoline from a stationary storage tank into a motor vehicle was a violation of Ohio Revised Code (ORC) Chapter 3704.05(G) and OAC Rule 3745-21-09(DDD)(1)(c).

A retest on dispensers #6 and #8 was performed on January 11, 2010. Easy Trip #1111 passed the Air-to-Liquid (A/L) ratio test on dispensers #6 and #8. While appropriate steps were taken to bring this source into compliance for the 2009 Stage II testing, separate correspondence will be issued regarding the failure of the required Stage II testing in two consecutive years.

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.

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 Megan Murphy at (216) 664-4258. All correspondence with CDAQ must include the Ohio EPA facility identification number for Easy Trip #1111: 13-18-25-6969.

Sincerely,

Linda Kimmy for G.B.
George Baker
Chief of Enforcement

GB/mm

cc: Michael J. Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
Lisa Holscher, U.S. EPA Region V
Facility File and L:\Data\Facilities\1318256969\2009-12-16 NOV.doc