

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:

Jon Ross
 Circle K # 5664
 PO Box 347
 Columbus, IN 47202

COMPLETE THIS SECTION ON DELIVERY

A. Signature

* *Jonny Sayer*

-
- Agent
-
-
- Addressee

B. Received by (*Printed Name*)

C. Date of Delivery

4/24/10

 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)

7009 3410 0002 1933 8387



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 7009 3410 0002 1933 8387
RETURN RECEIPT REQUESTED

April 23, 2010

Jonathan Ross
Circle K #5664
PO Box 347
Columbus, IN 47202

MAY - 8 2010

NON-HPV

FACILITY ID: UNASSIGNED

NOTICE OF VIOLATION: Operating an air emissions unit without obtaining a state operating permit; Failure to provide proof of attendance and completion of training required by Ohio EPA

Dear Mr. Ross:

On April 8, 2010, the Cleveland Division of Air Quality (CDAQ) inspected Circle K #5664 located at 20220 Lorain Road in Fairview Park. This letter serves as notification that you have and are operating sources in violation of the following applicable air statutes, air regulations, or air permit conditions.

Circle K #5664 has been operating a gasoline dispensing facility since May 5, 2009, without obtaining a necessary state operating permit. This is a violation of Ohio Revised Code (ORC) 3704.05 (G) and Ohio Administrative Code (OAC) 3745-31-02(A).

Circle K #5664 also failed to provide proof of attendance and completion of training required by Ohio EPA in violation of OAC Rule 3745-21-09(DDD)(3)(a)(vi), which states any owner or operator of a gasoline dispensing facility must provide proof of attendance and completion of training required by the Ohio EPA for the operator or local manager of the gasoline dispensing facility. Circle K #5664 is required to have a Stage II compliance specialist certificate.

Unless you undertake some type of corrective action you will remain in noncompliance. CDAQ requests that Circle K #5664 submit a permit-to-install/operate (PTIO) application or a Permit-by-Rule (PBR) Notification form within thirty (30) days of receipt of this letter to the following address:

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



In addition, CDAQ also requests that the responsible official for Circle K #5664 attend the required training for Ohio EPA and submit proof of attendance and completion of the training 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, Ohio 44114-1839

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

Please be advised that OAC Rule 3745-21-09(DDD)(3)(b) states 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 director or any authorized representative of the director for review during normal business hours.

The PTIO application form with accompanying Emission Activity Category (EAC) form may be downloaded at the following web address:
<http://epa.ohio.gov/dapc/fops/eac/eacforms.aspx>

In addition, Circle K #5664 may be eligible for the Permit-by-Rule (PBR) exemption. This exemption is based on monthly and annual throughput amounts. More information about the PBR Notification 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 Circle K #5664 meets the criteria for this exemption.

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.

Sincerely,

Grinda Kimmey 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\Unassigned\Circle K #5664\2010-4-8 NOV.doc

CERTIFICATE OF TRAINING

TO CERTIFY THAT:

20-Feb-09

Deborah Brewer

Circle K # 5664, 20220 Lorain Rd, Fairview Park, OH

"Proper Operation and Maintenance of Stage II Vapor Recovery Equipment For Service Station Personnel"

The name above is certified to fulfill the Stage II Facility Representative role exclusively for the location listed. The facility representative is responsible for educating all current and future employees about the purpose and correct operating procedures of the Stage II system at this location. This certification is non-transferable.





**Division of Air
Pollution Control**

**Permit by Rule Notification Form
Gasoline Dispensing Facility**

Submission of this form constitutes notice that the party identified in Section I of this form intends to be authorized to install/operate a source of air pollution according to the permit-by-rule provisions of OAC 3745-31-03(A)(4)(a) and (h) or (i). By submitting this form, the applicant agrees to operate and maintain the facility and equipment in accordance with the applicable permit-by-rule provisions. An original signature is needed and forms transmitted by fax will not be accepted. Complete all information as indicated by the instructions.

I. Applicant Information / Mailing Address

Company (Applicant) Name: Mac's Convenience Stores, LLC
 Mailing (Applicant) Address: P.O. Box 347 / 4080 W. Jonathan Moore Pike
 City: Columbus State: IN Zip Code: 47202
 Contact Person: Jonathan Ross Phone 812-379-9227 Fax: 812-314-2037 E-mail: jross@circlek.com

II. Facility / Site Location Information

Facility Name: Circle K # 5664
 Facility Address / Location: 20220 HORIZON ROAD County: _____
 City: FAIRVIEW PARK State: Ohio Zip Code: 44126
 Facility Contact: Jonathan Ross Phone 812-379-9227 Fax: 812-314-2037 E-mail: jross@circlek.com
 Ohio EPA Facility ID Number (10-digit) if known – See Instructions: _____

III. Reason for Submitting Notification:

Initial request Equipment modification Ownership change
 Request for revocation of current permit - See Instructions and complete additional information below
 Permit to install (PTI) or Permit to operate (PTO) number _____ Emission Unit ID (4-digit) _____

IV. Permit-by-Rule Requested – See Instructions for eligibility by county

Facility with Stage I controls OAC 3745-31-03(A)(4)(h) Facility with Stage I and II controls OAC 3745-31-03(A)(4)(i)

V. Storage Tank Information

Yes No Are all gasoline tanks equipped with submerged fill pipes?

VI. Vapor Control System for Tank Filling (Stage I controls):

Vapor balance, single point Vapor balance, dual point Other, describe _____

VII. Vapor Control System for Vehicle Refueling (Stage II controls): Required in certain counties, see Instructions

Manufacturer Name: Galbarco Model Number: VAPOR VAC
 CARB Executive Order Number: _____ Date installed (month/year) _____

Number of nozzles	Manufacturer	Model Number
<u>24</u>	<u>RICHARDS</u>	

VIII. Volume of Gasoline Dispensed: 165,550.92 gal/month, 1,986,611 gal/year

IX. Vapor Control System Exemption Status (check all that apply)

- Stage I controls exemption per OAC 3745-21-09(R)(4) – See Instructions for additional information required to be submitted with this form.
- Stage II controls exemption per OAC 3745-21-09(DDD)(4) – See Instructions for additional information required to be submitted with this form.
- Not applicable

I certify under penalty of law that all statements or assertions of fact made in this notification are true and complete, and shall subject the signatory to liability under state laws forbidding false or misleading statements.	
Applicant Name (Print): <u>Jonathan Ross</u>	Title: <u>Environmental Compliance Manager</u>
Applicant Signature: <u><i>Jonathan Ross</i></u>	Date: <u>4-29-10</u>
RETAIN A COPY OF THIS FORM FOR YOUR RECORDS	
Mail the original, signed form to the appropriate Air Permit Review Agency (District Office/ Local Air Agency) for your county. (Please refer to the Air Permit Review Agency map in the attached instructions for mailing address).	For Ohio EPA Use Only : PBR ID / FAC ID: _____ Date received : _____
Rev 05/07	