



City of Cleveland
Frank G. Jackson, Mayor

Department of Public Health
Division of Air Quality
75 Cleveview Plaza, Suite 200
Cleveland, Ohio 44114-1839
216/664-2297 • Fax: 216/420-8047
www.clevelandhealth.org

SERVING OHIO EPA AS AGENCY 18
FOR CUYAHOGA COUNTY

CERTIFIED MAIL 7009 3410 0002 1933 8370
RETURN RECEIPT REQUESTED

April 30, 2010

Mahmoud Zayed
Speedy Gas
1685 Sperry Forge
Westlake, OH 44145

FACILITY ID: UNASSIGNED

NOTICE OF VIOLATION: Operating an air emissions unit without obtaining a permit-to-install/operate (PTIO); Failure to provide records of maintenance; Failure to provide proof of attendance and completion of training required by Ohio EPA; Failure to conspicuously post "Do Not Top Off" instructions

Dear Mr. Zayed:

On April 16, 2010, the Cleveland Division of Air Quality (CDAQ) inspected Speedy Gas located at 4351 Northfield Road in Warrensville Heights. 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.

Speedy Gas is operating a gasoline dispensing facility without obtaining a PTIO permit or submitting a Permit-by-Rule (PBR) Notification form since March 31, 2008. This is a violation of Ohio Revised Code (ORC) 3704.05 (G) and Ohio Administrative Code (OAC) 3745-31-02(A).

Speedy Gas failed to maintain a log of the date and description of all repair and maintenance work and retain those records for a period of not less than three years in violation of Ohio Administrative Code (OAC) Rule 3745-21-09(DDD)(3)(iii) and OAC Rule 3745-21-09(DDD)(3)(b).

Speedy Gas failed to provide a Stage II compliance specialist certificate at the time of the inspection. This is a 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.

Unless you undertake some type of corrective action you will remain in noncompliance. CDAQ requests that Speedy Gas submit a PTIO application or a PBR Notification Form within thirty (30) days to the following address:



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

CDAQ also requests that Speedy Gas submit a copy Stage II compliance specialist certificate for Speedy Gas once the required training has been completed and submit a corrective action plan stating how records of maintenance will be maintained in the future for a period of not less than three years and be made available to the director or any authorized representative of the director for review during normal business hours within 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 Speedy Gas post operating instructions on each dispenser within thirty (30) days of receipt of this letter.

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.

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

In addition, Speedy Gas 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 Speedy Gas meets the criteria for this exemption. A PBR Notification form is enclosed with this letter.

Please note that all permit applications or PBR Notification forms 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.

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 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 Megan Murphy at 216-664-4258.

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\Unassigned\Speedy Gas\2010-4-16 NOV.doc

encl: Permit-by-Rule (PBR) Notification Form
PBR Factsheet
Gasoline Dispensing Facility (GDF) Enforcement Policy
Ohio EPA weekly Stage II vapor recovery checklist
Stage II training providers list

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, & 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:

Mahmoud Zayed
Speedy Gas
1685 Sperry Forge
Westlake, OH 44145

2. Article Number
(Transfer from service label)

7009 3410 0002 1933 8370

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee

B. Received by (Printed Name) C. Date of Delivery
5/4

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

UNITED STATES POSTAL SERVICE



First Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Cleveland Div. of Air Quality
Attn: Megan Murphy
75 Erieview Plaza 2nd Floor
Cleveland, OH 44114

114+1233 Speedy Mail

Certified Mail Provides:

Specialty Mail

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- A unique identifier for your mailpiece
- A record of delivery kept by the Postal Service for two years

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- Certified Mail is **not** available for any class of international mail.
- **NO INSURANCE COVERAGE IS PROVIDED** with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS[®] postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "Restricted Delivery".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

IMPORTANT: Save this receipt and present it when making an inquiry.

PS Form 3800, August 2006 (Reverse) PSN 7530-02-000-9047

CDAG - Murphy

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U.S. Postal Service
CERTIFIED MAIL RECEIPT

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark
Here

Sent to
 Mahmoud Fayad
 Street, Apt. No.
 or PO Box No. 1685 Sperry Forge
 City, State, ZIP+4
 Westlake OH 44145