

# CITY OF TOLEDO



## DEPARTMENT OF PUBLIC UTILITIES

April 10, 2012

### CERTIFIED MAIL

Iven Sharrak  
Clark Toledo, Inc.  
27000 Fort St.  
Browning, MI 48183

Re: Notice of Violation for Clark Toledo, Premise Number 0448011373

Dear Mr. Sharrak:

Enclosed is a Notice of Violation for Clark Toledo [ 0448011373] gasoline dispensing facility (GDF) located in Lucas County. Please review this document carefully as some action is required on your part. If you have any questions regarding this matter, feel free to contact me at 419-936-3955.

Sincerely,

Pamela Barnhart  
Environmental Engineer - Air Resources

cc: Timothy Murphy, Commissioner, Toledo Division of Environmental Services  
John Paulian, Ohio EPA  
Karen Granata, Chief of Air Resources  
William MacDowell, U.S. EPA, Region V  
Joyce Anagnos, Senior Attorney, Law Department

## NOTICE OF VIOLATION

April 10, 2012

The City of Toledo Division of Environmental Services (TDES) hereby serves notice that:

Clark Toledo, Inc.  
27000 Fort St.  
Browning, MI 48183  
Premise Number: 0448011373

has violated the following environmental laws, orders, rules, or regulations on the indicated dates for the gasoline dispensing facility located at 4484 Monroe St., Toledo, OH:

### Dates of Violations

April 27, 2010 through April 10, 2012

<u>Regulations Violated</u>	<u>Description of Violations</u>
OAC rule 3745-31-02(A)(2)	Operation of an air contaminant source without a permit to install/operate (PTIO) or permit by rule (PBR).  Pursuant to Chapter 3745-31 of the Ohio Administrative Code, a renewal application must be submitted (i.e., postmarked if sent by mail, or uploaded if submitted via the eBusiness Center) for each emissions unit by the expiration date in order to continue operating the emissions unit.  On February 21, 2012, a Warning Letter was sent regarding the expired Permit To Operate for the gasoline dispensing facility located at 4484 Monroe St., Toledo, OH along with the Permit by Rule Notification form. To date, the Toledo Division of Environmental Services (TDES) has not received the Permit by Rule (PBR) notification form for this facility.

The above violation(s) may subject the violator to penalties of up to \$25,000 per violation. It is possible that a penalty will be assessed in this case. If a penalty is to be assessed, the amount will be determined after your response is reviewed.

### **Required Actions**

After the receipt of this Notice of Violation, you shall:

1. Abate the violations or provide for an acceptable remedy.
2. Reply in writing to this Notice of Violation. The reply shall include:
  - a. descriptions and dates of actions taken thus far to abate the violations;
  - b. descriptions and expeditious time schedule of actions yet to be taken to remedy the violations;
  - c. descriptions of actions taken or to be taken to prevent recurrence of the violations;

### **Recommended Remedial Actions**

It is recommended that you consider the following suggestions:

1. Submit the Permit to Install/Operate Application (form 3150a) and Emission Activity Category Form (form 3105/3106) to the Toledo Division of Environmental Services. The forms may be obtained from the following website:  
<http://www.epa.ohio.gov/dapc/fops/eac/eacforms.aspx>

OR

2. Submit the Permit by Rule Notification Form previously sent or located at the following website:  
<http://www.epa.ohio.gov/dapc/pbr/permitbyrule.aspx>

Your written response to the above actions and any questions regarding this Notice of Violation must be received by April 27, 2012, and should be directed to Pam Barnhart, City of Toledo Division of Environmental Services, 348 S. Erie Street, Toledo, Ohio 43604, or call (419) 936-3955.