



**Environmental  
Protection Agency**

Ray H. Block, Governor  
Gary Taylor, Lt. Governor  
Scott J. Ludwig, Director

May 18, 2012

RE: **NOTICE OF VIOLATION**  
FAILURE TO COMPLETE REQUIRED  
STAGE II TESTING  
TOWER SHELL (CLEVELAND FOOD &  
DELI, INC.)  
DAPC FACILITY ID 0247080583

**CERTIFIED MAIL**

Shridhar Patel - Statutory Agent  
(Sonny Shrigar)  
SHREEJI Nine, LLC  
15030 Old Oak Drive  
Strongsville, OH 44149

Dear Mr. Patel:

On August 3, 2011, this office sent you a letter (enclosed) advising you that Tower Shell (Cleveland Food & Deli) had several violations of the Stage II testing requirements pursuant to Ohio Administrative Code (OAC) Rule 3745-21-09(DDD) under the previous ownership. This letter notified you that since SHREEJI Nine, LLC took ownership, the station failed tests for dispenser #5 on December 1 and 15, 2010, but subsequently passed on March 21, 2011.

Because most of the failures/violations occurred prior to the transfer of ownership, this office indicated that it was not going to pursue enforcement action at that time and that complete Stage II testing must be performed by December of 2011.

**Additional Failed Testing:**

On December 8, 2011, Stage II testing was attempted, but could not be completed because dispenser #2 failed and dispenser #'s 7 & 8 lacked electrical power to operate for the test. Failure to pass this annual testing is a violation of OAC Rule 3745-21-09(DDD). This rule also requires that results of testing be submitted within 30 days of the testing event. The results of this testing were not submitted to this office until February 14, 2012, 68 days after the testing event, in violation of the rule.

Repeated requests by this office for the station to retest dispenser #2 and test dispenser #'s 7 & 8 have been largely ignored and are summarized below:

March 22, 2012 - I phoned the station twice and each time there was no answer and no voice mail or answering machine to leave a message.

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March 30, 2012 - verbal request to test was made in person by a representative of this office. The representative informed the station manager of the requirement and left a business card and requested that Mr. Shrigar call.

April 2, 2012 – Mr. Shrigar called back. I explained that he needed to schedule testing as soon as possible as well as submit an updated Permit-by-Rule (PBR) notification form. He said “ok.”

May 1, 2012 – No test had been scheduled so I phoned that station again and left a message with the manager for Mr. Shrigar to call me.

May 16, 2012 – I again phoned the station and asked to speak with Mr. Shrigar and was told he would be there after 2:00 PM. I phoned again at 3:30 PM and was told that Mr. Shrigar was not there and that I should stop calling. I was told that Mr. Shrigar would return my call.

Additional issues:

The previous letter requested to make sure that the proper personnel are trained pursuant to OAC Rule 3745-21-09(DDD) and that a certificate of training is available during the testing in December. Our representative noted that the Stage II training certificate was not available during his visit on December 8, 2011, in violation of OAC Rule 3745-21-09(DDD).

It has also been requested verbally that an updated PBR notification form be completed and submitted to this office. A form is enclosed with this letter for your convenience.

Actions to be taken:

Testing shall be scheduled as soon as possible, but **no later than within seven days of receipt of this letter**. In other words, testing should occur as soon as the testing firm and our office can work out a date, but the act of scheduling the testing should be done within seven days.

The enclosed PBR form shall be completed and submitted as soon as possible, but **no later than within seven days of receipt of this letter**.

The training described in OAC Rule 3745-21-09(DDD) for operators or station managers shall be taken **within 45 days of receipt of this letter**. Please submit a copy of the certificate of training after the training occurs. A list of testing companies, some of which provide this training is enclosed for your convenience.

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Failure to comply with the above requests may result in an enforcement action up to and including referral to the Central Office of Ohio EPA for appropriate action.

The submission of the requested information does not constitute a waiver of Ohio EPA's authority to seek civil penalties as provided in ORC 3704.06. Ohio EPA will decide whether to pursue or decline to pursue penalties regarding this matter at a later date.

If you have any questions regarding this letter, please do not hesitate to contact me at (330) 963-1270.

Sincerely,



Tim Fischer  
Environmental Supervisor  
Division of Air Pollution Control

TF:bo

enclosures: August 3, 2011, letter  
PBR form  
List of testing companies  
OAC Rule 3745-21-09(DDD)

pc: Bruce Weinberg, DAPC, CO  
Sonny Shrigar (Certified copy, w/ enclosures)(1150 Tower Blvd. Lorain, OH 44052)  
Bill MacDowell, USEPA, Region V

ec: Jim Kavalec, DAPC, CO