



**City of Cleveland**  
Frank G. Jackson, Mayor

Department of Public Health  
Division of Air Quality  
75 Erievue Plaza, Second Floor  
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 7000 0600 0022 4716 6443  
RETURN RECEIPT REQUESTED**

May 3, 2012

Jack Ecke  
Seaway Gas and Petroleum, Inc.  
1690 Columbus Road  
Cleveland, OH 44113

**NON-HPV**

**FACILITY ID: 13-18-00-6323**

**LETTER OF WARNING: Failure to obtain a city permit-to-operate by submitting fees for calendar year 2009**

Dear Mr. Ecke:

On April 25, 2012, the Cleveland Division of Air Quality (CDAQ) inspected Seaway Gas and Petroleum, Inc. (Seaway) located at 1690 Columbus Road in Cleveland. This letter serves as notification that you are operating sources in violation of the following applicable air statutes, air regulations, or air permit conditions.

Seaway has failed to obtain a city permit-to-operate by submitting City of Cleveland Air Contaminant source fees for calendar year 2009. This is a violation of City of Cleveland Codified Ordinances 259.01 and 263.01.

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that Seaway submit city permit fees for calendar 2009 to the following address:

Permit Section  
Cleveland Division of Air Quality  
75 Erievue Plaza 2<sup>nd</sup> 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.

Additionally, CDAQ wants to remind Seaway that the 2011 Annual Permit Evaluation Report (PER), which is enclosed with this letter is due no later than May 15, 2012 to the address listed above.

CDAQ is also requesting documentation, such as a profit and loss statement, showing annual income, total sales of gasoline, and total sales of merchandise be submitted in order



to demonstrate compliance with the Independent Small Business Marketers (ISBM) exemption within thirty (30) days of receipt of this letter to the following enforcement representative:

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

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.

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 Seaway Gas, Inc.: 13-18-00-6323.

Sincerely,

A handwritten signature in black ink that reads "Valencia White".

Valencia White  
Chief of Enforcement, CDAQ

VW/mm LK

cc: George P. Baker, CDAQ  
Michael J. Krzywicki, CDAQ  
Facility File and L:\Data\Facilities\1318006323\2012-4-25 LOW.doc

encl: 2011 PER form  
2009 City of Cleveland Air Contaminant Source Invoice