



City of Cleveland
Frank G. Jackson, Mayor

Department of Public Health
Division of Air Quality
75 Erieview 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 7011 3500 0000 1759 8027
RETURN RECEIPT REQUESTED

June 7, 2012

Abeer Qasem
Owner
Al Barakah Group LLC d.b.a. GAS USA
4126 Pearl Road
Cleveland, OH 44109

NON-HPV

FACILITY ID: 13-18-00-7057

NOTICE OF VIOLATION: Failure to maintain applicable records and operating an emissions unit without applying for a permit

Dear Ms. Qasem:

On May 22, 2012, the Cleveland Division of Air Quality (CDAQ) inspected GAS USA located at 4126 Pearl 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.

GAS USA is operating its emissions unit (EU) G001: Stage I and II Gasoline Dispensing Facility, in violation of Ohio Administrative Code (OAC) rule 3745-31-02(A)(1)(c), in that GAS USA failed to first obtain authority to operate EU G001 through issuance of a permit-to-install/operate (PTIO). GAS USA's failure to obtain a PTIO is also a violation of Ohio Revised Code (ORC) section 3704.05(F). During CDAQ's inspection, Mike Alayamini, GAS USA's site manager, stated that you took ownership of GAS USA on or about April 20, 2012.

Please note that Ohio EPA has a specific provision that applies to gas stations with Stage I vapor controls. In lieu of obtaining a PTIO, facilities can elect to operate legally as an air contaminant source under the permit-by-rule (PBR) exemption for gas stations if the gas station meets the qualifying criteria pursuant to the PBR exemption. Information relating to PBR status and a PBR notification form is included with this letter.



Additionally, GAS USA's operation of EU G001 is in violation of OAC rule 3745-21-09(DDD)(3)(a), in that GAS USA has failed to keep the following applicable records, as required:

- The quantity of gasoline delivered to the facility during each calendar month;
- The results of any tests performed pursuant to paragraph (DDD)(2) of OAC rule 3745-21-09;
- A log of the date and description of all repair and maintenance work performed, or any other modifications made to the vapor control system;
- Proof of attendance and completion of the training required by the Ohio EPA for the operator or local manager of the gasoline dispensing facility; and,
- Copies of all completed post inspection forms.

The above violation of OAC rule 3745-21-09(DDD)(3) is also a violation of ORC section 3704.05(G).

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that GAS USA submit a PTIO application or PBR notification form for the operation of your gasoline dispensing facility; a corrective action plan detailing how GAS USA will record and maintain applicable records under OAC rule 3745-21-09(DDD)(3); and, a copy of the training certificate of the required Stage II training by the owner or operator of GAS USA, within thirty (30) days of your receipt of this letter, to the following enforcement representative:

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

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

A PBR notification form is included with this letter. Please note that the PBR notification form submitted to CDAQ must include an original signature. Photocopied signatures are not valid; the form will not be accepted by CDAQ if an original signature is not provided. More information about the PBR notification form can be found at the following web address:
<http://www.epa.ohio.gov/dapc/pbr/permitbyrule.aspx>.

Information regarding the formal PTIO process can be found on Ohio EPA's website at: <http://www.epa.ohio.gov/dapc/permits/permits.aspx#obtain>.



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. OCAPP can also provide assistance to facilities that want to investigate methods of pollution prevention to reduce raw material usage and waste production. Again, there is no charge for their services.

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 Valerie Shaffer at (216) 664-6292. All correspondence with CDAQ must include the Ohio EPA facility identification number for GAS USA: 13-18-00-7057.

Sincerely,

Valencia White
Chief of Enforcement, CDAQ

VW/vls UK

cc: Maher (Mike) Alayamini, GAS USA - Manager
George P. Baker, CDAQ
Michael J. Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
William MacDowell, U.S. EPA Region V
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encl: Permit-by Rule for Air Pollution Sources Fact Sheet
PBR Notification Form & Instructions
OCAPP's GDF Fact Sheet: Know Your EPA Regulations