



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 7003 1010 0004 2923 6721
RETURN RECEIPT REQUESTED**

January 10, 2012

George Wehbe
BOA Investments, LLC dba Sunmart Express
7908 West 130th St.
Strongsville, OH 44136

NON-HPV

FACILITY ID: 13-18-55-8374

NOTICE OF VIOLATION : Failure to obtain a state operating permit; Failure to provide proof of attendance and completion of training; Failure to conspicuously post operating instructions that clearly state "Do Not Top Off"

Dear Mr. Wehbe:

On October 10, 2011, the Cleveland Division of Air Quality (CDAQ) inspected and witnessed Stage II testing at Sunmart Express located at 7908 West 130th St. in Strongsville. A general letter was sent on October 12, 2011 and was unclaimed on three separate dates and was finally returned to CDAQ on December 19, 2011. The general letter was sent prior to the operation of Sunmart Express as notification that you were responsible to complete the specified requirements within thirty (30) days of receipt of this letter prior to the operation of the station. This letter serves as notification that you are operating sources in violation of the following applicable air statutes, air regulations, or air permit conditions.

Sunmart Express installed and has been operating a gasoline dispensing facility at least since December 19, 2011 without obtaining the necessary state operating permit. This is a violation of Ohio Revised Code (ORC) 3704.05 (G) and Ohio Administrative Code (OAC) 3745-31-02(A).

Sunmart Express also failed to provide proof of attendance and completion of training required by Ohio EPA in 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 training required by the Ohio EPA for the operator or local manager of the gasoline dispensing facility. Sunmart Express is required to have a Stage II compliance specialist certificate.

Additionally, Sunmart Express failed to conspicuously post operating instructions on each dispenser in violation of OAC Rule 3745-21-09(DDD)(1)(d). Fueling instructions must clearly state, "Do Not Top Off" the motor vehicle fuel tank.



Unless you undertake some type of corrective action you will remain in noncompliance. CDAQ requests that Sunmart submit a PTIO application or a Permit-by-Rule (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 Sunmart complete the necessary training and submit proof of attendance and completion of training to the following enforcement representative:

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

Additionally, CDAQ requests that operating instructions be conspicuously posted which clearly state "Do Not Top Off."

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 appropriate permit application(s) and supplemental form(s) are included with this letter. Please note that all permit applications 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.

Permit-to-install/operate (PTIO) applications may be completed through the Ohio EPA eBusiness Center at <https://ebiz.epa.ohio.gov/>. An account is required to be created and a pin number assigned.

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 Megan Murphy at 216-664-4258. All correspondence with CDAQ must include the Ohio EPA facility identification number for Sunmart Express: 13-18-55-8374.

Sincerely,

A handwritten signature in black ink that reads "Linda Kimmy".

Linda Kimmy

Field Enforcement Manager

LK/mm

cc: Sunmart Express, 7908 W 130th St.
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: Stage II training provider list
PBR Notification Form

