



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 7000 0600 0022 4716 6368
RETURN RECEIPT REQUESTED**

May 24, 2012

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

NON-HPV

FACILITY ID: 13-18-55-8374

SECOND 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 continue to operate a source in violation of the following applicable air statutes, air regulations, or air permit conditions.

On January 10, 2012, CDAQ issued a Notice of Violation which requested that Sunmart Express submit a permit-to-install/operate (PTIO) application or a Permit-by-Rule (PBR) Notification Form for emissions unit (EU) G001: Stage I and II gasoline dispensing facility, complete the necessary Stage II training and submit proof of attendance and completion of training, and that operating instructions be conspicuously posted which clearly state "Do Not Top Off."

CDAQ is in receipt of a letter dated January 30, 2012, which included a PBR Notification Form and a statement that operating instructions have been posted on the dispensers. Sunmart was still expected to comply with completing the necessary Stage II training and submitting proof of attendance and completion by March 12, 2012. While Sunmart Express has expressed its intention of completing the necessary Stage II training and submitting proof of attendance and completion of training, you have yet to do so.

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that Sunmart Express submit proof of attendance and completion of training to the following enforcement representative no later than June 8, 2012:



Megan Murphy
Cleveland Division of Air Quality
75 Erieview Plaza 2nd 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 by June 8, 2012.

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,

Valencia White
Chief of Enforcement, CDAQ

VW/mm

cc: 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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