



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 8003
RETURN RECEIPT REQUESTED**

May 1, 2012

Robert E Smith, Jr.
Owner
B & B Marathon
26005 Chardon Road
Richmond Hts., Ohio 44143

NON-HPV

FACILITY ID: 13-18-48-6251

SECOND NOTICE OF VIOLATION: Failure to submit 2011 Annual Permit Evaluation Report (PER)

Dear Mr. Smith:

This letter serves as a second notification that you are operating sources in violation of the following applicable air statutes, air regulations, or air permit conditions. On March 30, 2012, the Cleveland Division of Air Quality (CDAQ) issued a Notice of Violation (NOV) to you detailing the violations listed below. The NOV was delivered to your place of business on or about April 4, 2012.

B & B Marathon has failed to submit an Annual Permit Evaluation Report (PER) for the reporting period of January 1 – December 31, 2011, which was due no later than February 15, 2012. PERs are a reporting requirement specified in your permit-to-install/operate (PTIO) No. P0095829, Authorization (page 1) and Emission Unit Terms and Conditions section C.1. (e)(1), (page 15), issued to B & B Marathon on October 14, 2011. Your failure to submit the 2011 annual PER is a violation of PTIO No. P0095829 and Ohio Revised Code Section 3704.05(C).

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that B& B Marathon submit a PER for calendar year 2011 within fourteen (14) day of receipt of this letter to the following address:

Permit Section
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 within fourteen (14) days of receipt of this letter.



An Annual PER form is enclosed with this letter.

The above listed facility may be eligible for the Permit-by-Rule (PBR) exemption. This exemption is based on monthly and annual throughput amounts. More information about the PBR Notification form can be found at the following web address:

<http://www.epa.state.oh.us/dapc/pbr/permitbyrule.aspx> . Please review the PBR requirements for gasoline dispensing facilities to determine if these facilities meet the criteria for this exemption.

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 B & B Marathon: 13-18-48-6251.

Sincerely,

Valencia White
Chief of Enforcement, CDAQ

VW/vls **LK**

cc: George P. Baker, CDAQ
Michael J. Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
William MacDowell, U.S. EPA Region V
Facility File and L:\Data\Facilities\1318486251\2012-3-30 NOV 2nd.docx

encl: Annual PER form