



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 7009 3410 0002 1933 8738
RETURN RECEIPT REQUESTED**

May 27, 2010

Robert Forest
E-Z Shop
3825 East Lake Road
Sheffield Lake, OH 44054

NON-HPV

FACILITY ID: 13-18-00-5793

NOTICE OF VIOLATION: Failure to conduct Annual Stage II testing; Failure to provide records of maintenance; Failure to provide proof of attendance and completion of training required by Ohio EPA; Failure to conspicuously post "Do Not Top Off" instructions

Dear Mr. Forest:

On April 21, 2010 and May 11, 2010, the Cleveland Division of Air Quality (CDAQ) inspected E-Z Shop located at 11521 Clifton Boulevard 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.

E-Z Shop is in violation of Ohio Administrative Code (OAC) Rule 3745-21-09(DDD)(1)(c) which states that no owner or operator of a gasoline dispensing facility (GDF) may cause, allow, or permit the transfer of gasoline from a stationary tank at a GDF into a motor vehicle unless the vapor control system successfully passes the testing requirements contained in OAC Rule 3745-21-09(DDD)(2).

E-Z Shop has failed to conduct Stage II testing as required by Ohio Administrative Code (OAC) Rule 3745-21-09(DDD)(2)(f) at the frequency specified in the California Air Resources Board (CARB) certification for the Stage II vapor recovery equipment. Executive Order G-70-153-AD states that the owner or operator of the installation shall conduct, and pass, an Air-to-Liquid (A/L) Ratio test as specified in TP-201.5 and a Static Pressure Decay (SL) test as specified in Exhibit 3, no later than 60 days after startup and at least once in each twelve month period thereafter. A blockage and a Static Leak test were last conducted on March 16, 2009 and an Air-to-Liquid Ratio test was last conducted on April 20, 2009.



E-Z Shop failed to maintain a log of the date and description of all repair and maintenance work and retain those records for a period of not less than three years in violation of Ohio Administrative Code (OAC) Rule 3745-21-09(DDD)(3)(iii) and OAC Rule 3745-21-09(DDD)(3)(b).

E-Z Shop failed to provide a Stage II compliance specialist certificate at the time of the inspection. This is a 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 the training required by the Ohio EPA for the operator or local manager of the gasoline dispensing facility.

Additionally, E-Z Shop failed to conspicuously post operating instructions which clearly state "Do Not Top Off."

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that E-Z Shop conduct Stage II testing and submit the test results, provide proof of attendance and completion of training, provide records of maintenance, and post operating instructions within thirty (30) days to the following enforcement representative:

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 within thirty (30) days of receipt of this letter.

In addition, E-Z Shop 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 E-Z Shop meets the criteria for this exemption. A PBR Notification form is enclosed with this letter.

Please note that all permit applications or PBR Notification forms 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.

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.



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 E-Z Shop: 13-18-00-5793.

Sincerely,

George Baker
Chief of Enforcement

GB/mm

cc: Michael J. Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
Lisa Holscher, U.S. EPA Region V
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encl: Permit-by-Rule (PBR) Notification Form
PBR Factsheet
Gasoline Dispensing Facility (GDF) Enforcement Policy
Ohio EPA weekly Stage II vapor recovery checklist
Stage II training providers list