



City of Cleveland
Frank G. Jackson, Mayor

Department of Public Health
Division of Air Quality
75 Erieview Plaza, Suite 200
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 #70093410000219339971
RETURN RECEIPT REQUESTED**

September 14, 2010

Sarkia Khoury
Sunoco Incorporated
7025 Fleet Avenue
Cleveland, OH 44105

NON-HPV

FACILITY ID: 13-18-00-6154

NOTICE OF VIOLATION : Failing to perform required Stage II testing, failing to maintain required record keeping, operating an emission unit without proper permits and failure to complete training required by Ohio EPA

Dear Mr. Khoury:

On September 3, 2010, the Cleveland Division of Air Quality (CDAQ) inspected Sunoco Incorporated (Sunoco) located at 7025 Fleet Avenue 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.

Sunoco is in violation of Ohio Revised Code 3704.05(F) and (G), and Ohio Administrative Code (OAC) 3745-31-02(A)(1) for operating emission unit (EU) G001: Gas dispensing unit, without a proper state permit. A new permit is required due to a change of ownership.

Sunoco has failed to perform required Stage II testing, both static leak and air to liquid ratio tests, within twelve months of the previous successful test. The most current successful static leak test was performed on March 4, 2009. This is a 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 on OAC Rule 3745-21-09(DDD)(2).

Sunoco is also in violation of OAC Rule 3745-21-09(DDD)(3)(a)(vi), for failing to maintain proof of attendance and completion of the training required by the Ohio EPA for the operator or local manager of the gasoline dispensing facility.



In addition, Sunoco has failed to maintain a log of the date and description of all repair and maintenance work performed (including, but not limited to, work performed to meet manufacturer's specifications or CARB certification requirements), or any other modifications made to the vapor control system. This is a Violation of OAC Rule 3745-21-09(DDD)(3)(a)(iii).

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that Sunoco submit either a permit-to-install/operate (PTIO) application or a permit-by-rule (PBR) notification form within thirty (30) days of receipt of this letter to the following address:

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

CDAQ also requests that Sunoco submit proof of attendance and completion of the training required by the Ohio EPA for the operator or local manager of the gasoline dispensing facility. As well as a template of a log to maintain records of all repair and maintenance work performed (including, but not limited to, work performed to meet manufacturer's specifications or CARB certification requirements), or any other modifications made to the vapor control system within thirty (30) days of receipt of this letter to the following enforcement representative:

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

In addition, CDAQ requests that Sunoco schedule and perform all required Stage II tests and submit test results within thirty (30) days of receipt of this letter. Sunoco must notify CDAQ of the test date.

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.

PBR notification forms for Gas Dispensing Facilities can be downloaded at <http://www.epa.state.oh.us/portals/27/pbr/GDFPBR.pdf> a PTIO application form can be downloaded at <http://epa.ohio.gov/dapc/fops/eac/eacforms.aspx>.

Please note that all permit applications or PBR notification forms submitted to CDAQ must include original signatures. Photocopied signatures are not valid; the application or notification form 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.

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.

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 Andrew Kenney at 216-420-7683. All correspondence with CDAQ must include the Ohio EPA facility identification number for Sunoco Incorporated: 13-18-00-6154.

Sincerely,

Linda Kimmey for G.B.

George Baker
Chief of Enforcement

GB/ak

cc: Michael J. Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
Lisa Holscher, U.S. EPA Region V
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