



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 7003 1010 0004 2923 6455
RETURN RECEIPT REQUESTED**

9/2/11

Brahim Ayad
General Petroleum, Inc.
dba Biggies Food Mart
4523 Camelia Dr.
North Olmsted, OH 44070

FACILITY ID: 13-18-00-6852

SECOND NOTICE OF VIOLATION: Failure to conduct annual Stage II Vapor Recovery Testing; Failure to maintain required records on site (Stage II Post Test inspection forms; required maintenance per Executive Order; Stage II Compliance Specialist certification) and Failure to obtain a 2010 City of Cleveland Permit to Operate

Dear Mr. Ayad:

On 7/1/11, the Cleveland Division of Air Quality (CDAQ) inspected Biggies Food Mart located at 2165 E. 55th St. in Cleveland. A Notice of Violation (NOV) was issued to you on 7/11/11. The NOV served as notification that you are operating sources in violation of the following applicable air statutes, air regulations, or air permit conditions.

CDAQ has determined that Biggies Food Mart:

*Failed to perform an annual Air-to-Liquid Ratio (A/L) test, and a Static Leak (SL) test as stipulated in Ohio Administrative Code (OAC) Rule 3745-21-09(DDD)(2). The last successful testing was conducted 5/25/10.

*Failed to maintain required records (Stage II Post Test inspection forms; required maintenance per Executive Order; Stage II Compliance Specialist certification) on site and have them available for review as specified in OAC rule 3745-21-09(DDD)(3).

This is a violation of OAC Rules 3745-31-05(A)(3), 3745-21-09(DDD)(2), 3745-21-09(DDD)(3) and Ohio Revised Code Sections 3704.05(C) and (G).



Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that Biggies Food Mart submit a corrective action plan to the following enforcement representative:

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

Your written response to this letter must be received by CDAQ within fourteen days (14) 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.

Additionally, Biggies Food Mart has failed to obtain a City of Cleveland Permit to Operate for 2010. Please remit payment to:

City Permits Section
Division of Air Quality
75 Erieview Plaza, Suite 200
Cleveland, OH 44114-1839

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 Dave DeChant at 216-664-3213. All correspondence with CDAQ must include the Ohio EPA facility identification number for General Petroleum, Inc., dba Biggies Food Mart: 13-18-00-6852.

Sincerely,

Linda Kimmy
Field Enforcement Manager

LK/dd



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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