



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 7003 1010 0004 2923 6516
RETURN RECEIPT REQUESTED**

10/3/11

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

FACILITY ID: 13-18-00-6852

RECEIPT OF CORRECTIVE ACTION PLAN: 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 7/11/11, and again on 9/2/11 the Cleveland Division of Air Quality (CDAQ) issued a Notice of Violation requesting that Biggies Food Mart submit a corrective action plan 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); 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) and to obtain a City of Cleveland Permit to Operate for 2010.

CDAQ is in receipt of a letter dated 9/28/11 that addresses the testing, record keeping and City Permit issues. The delay in testing is attributed to waiting on resolution to an insurance claim to replace a damaged pump. The record keeping will be reviewed when CDAQ witnesses the A/L and SL testing. The City Permit to Operate for 2010 still needs to be obtained.

You are expected to comply with updating CDAQ on the installation of the new pump and scheduled Stage II testing by 10/31/11. Additionally, obtain a 2010 City of Cleveland Permit to Operate within fourteen (14) days of receipt of this letter. Failure to do so may result in referral to Ohio EPA or U.S. EPA for further enforcement action.



Fulfillment of your commitments included in the corrective action plan and/or any modifications contained within this letter does not constitute a waiver of CDAQ's ability to refer this matter to Ohio EPA or U.S. EPA for further enforcement action.

Please submit any future correspondence related to this matter to the following enforcement representative:

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

CDAQ issues this letter with Ohio EPA's concurrence and 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, CDAQ

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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13-18-00-6852

Brahim Ayad
Abeco Ayad Inc
Dbc Biggies Food Mart
2165 E.55th St.
Cleveland, OH 44103

City of Cleveland
Division of Air Quality
75 Erievue Plaza, Suite 200
Cleveland, OH 44114



Dear Mr. DeChant

I sincerely apologize for not being in compliance at my service station. I have failed to obtain the annual air to liquid ratio test and a static leak test because I was informed by the company ECT which performs the tests that my station will fail because there was incident at the station resulting in the destruction of one of my pumping stations. They advised me that I should postpone testing until the pump has been replaced and fully repaired or I will not pass the test.

Also in violation of not maintaining proper records on site the problem has been rectified. The EPA inspection book was returned to the station after inadvertently been taken home when a new A/C unit was being installed and the office was being cleaned due to the dust and debris left from the new vents that were being placed.

I also apologize for not obtaining the city of Cleveland to operate. I did mail the form and a check for the amount of \$50.00 in June, however assumed that I would not obtain the permit until the proper testing was done. I will rectify the situation by resubmitting the payment with the form.

I do wish to ask for an extended amount of time in order to become in compliance. Since I cannot pass the test until I get a new pump installed. The reason I ask for this extension of time is for the reason that earlier this year in May an elderly woman drove her vehicle into one of my pumps damaging it beyond repair. I have submitted claims to her insurance company the Hartford Group in an attempt to get compensation for my pump. Upon furnishing them with all the necessary documents and estimates that they have asked for, they have yet to compensate me for the pump. I am currently waiting for them to finish their investigation and get back to me and hopefully the matter should be resolved by the end of October if not sooner.

Again I would like to apologize for the whole situation and ask if you can bear with me just a little longer and allow me the time to fully comply with these regulations.

Sincerely,
Brahim Ayad

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

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

13-18-00-6850

2. Article Number
(Transfer from service label)

7003 1010 0004 2923 6516

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *[Signature]*

- Agent
- Addressee

B. Received by (Printed Name)

Esmel Ayad

C. Date of Delivery

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below: No

3. Service type

- Certified Mail
- Express Mail
- Registered
- Return Receipt for Merchandise
- Insured Mail
- C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

