



City of Cleveland
Frank G. Jackson, Mayor

Department of Public Health
Division of Air Quality
75 Erieview Plaza, Second Floor
Cleveland, Ohio 44114-1839
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www.clevelandhealth.org

**SERVING OHIO EPA AS AGENCY 13
FOR CUYAHOGA COUNTY**

**CERTIFIED MAIL 7010 1870 0000 6591 2786
RETURN RECEIPT REQUESTED**

12/9/11

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

**FACILITY ID: 13-18-00-6852
NOTICE OF VIOLATION FOLLOW-UP LETTER**

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 requiring Biggies Food Mart located at 2165 E.55th St. to 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 corrective action plan dated 9/28/11 that addressed the testing, record keeping and indicating a City Permit would be obtained. On 10/26/11 CDAQ personnel witnessed successful A/L and SL testing. Pumps #1 and #2 have been dismantled and were not tested. If pumps #1 and #2 are put back in service they will require A/L and SL testing.

The corrective action plan was received in a timely manner and appropriate steps were taken to bring the source into compliance. CDAQ has determined that no further enforcement action is warranted at this time for the state violations, but reserves its right to take such action in the future if necessary.

Although you have fulfilled the annual Stage II testing requirements for the existing pumps, Biggies Food Mart has still not obtained a City Permit to Operate for 2010. CDAQ records indicate that City Permits to Operate were obtained for 2007, 2008, 2009 and 2011.



Please obtain your 2010 City Permit to Operate (invoice enclosed) by submitting payment to the following address:

City Permits Section
Division of Air Quality
75 Erieview Plaza, Suite 200
Cleveland, OH 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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Enclosure: 2010 City of Cleveland Air Contaminant Source Invoice