



City of Cleveland
Frank G. Jackson, Mayor

Department of Public Health
Division of Air Quality
75 Erieview 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 7878
RETURN RECEIPT REQUESTED**

7/11/11

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: Failure to conduct annual Stage II Vapor Recover 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. This letter serves 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 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).

*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 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.

Additionally, Biggies Food Mart has failed to obtain a City of Cleveland Permit to Operate for 2010 (Invoice enclosed). Also note that invoices for 2011 were recently mailed out. 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
✓ Facility File and L:\Data\Facilities\1318006852\2011-7-1 NOV.docx

Encl: 2010 City of Cleveland Permit to Operate invoice

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

13-18-00-6852

2. Article Number

(Transfer from service label)

7009 3410 0002 1933 7878

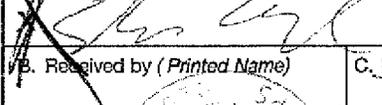
PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature



- Agent
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from Item 1?

If YES, enter delivery address below:

- Yes
- No

3. Service Type

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

4. Restricted Delivery? (Extra Fee)

- Yes

