



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 : 7010 1870 000 6591 2298
RETURN RECEIPT REQUESTED

August 15, 2011

Tony Bougebrayel
ZT Gabriels, Inc.
2249 West 117th Street
Cleveland, Ohio 44111

NON-HPV

FACILITY ID: 13-18-00-6866

NOTICE OF VIOLATION: Failure to perform Stage II Testing, operating without a permit, failure to provide proof of attendance and completion of training required by Ohio EPA, and failure to obtain 2011 city permits

Dear Mr. Bougebrayel:

On August 1, 2011, the Cleveland Division of Air Quality (CDAQ) inspected ZT Gabriels, Inc. located at 2249 West 117th Street 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 ZT Gabriels, Inc. failed to perform an Air-to-Liquid (A/L) Ratio test, and a Static Leak test, within sixty (60) of installation of a vapor control system as stipulated in Ohio Administrative Code (OAC) Rule 3745-21-09(DDD)(2). This is a violation of OAC Rule 3745-21-09 (DDD)(2)(a), and Ohio Revised Code (ORC) Section 3704.05(C) and (G). ZT Gabriels, Inc. has been in violation since July 24, 2011.

ZT Gabriels, Inc. operation of Emission Unit (EU) G001: Stage II Gasoline Dispensing Facility is in violation of OAC Rule 3745-31-02 (A)(1), and ORC Section 3704.05 (F) and (G), for operating an emission source without first applying for and obtaining a Permit-to-Install/Operate (PTIO) or by submitting a Permit-by-Rule (PBR) notification form.

In addition, ZT Gabriels, Inc. failed to provide a Stage II compliance specialist certificate at the time of the inspection. This is a violation of OAC Rule 3745-21-09(DDD)(3)(a)(vi) which states; that any owner or operator of a gasoline dispensing facility must provide 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, ZT Gabriels, Inc. is in violation of the City of Cleveland's Codified Ordinance Chapters 259.01 and 263.01 for failing to obtain a 2011 city permit by submitting city permit fees.

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that ZT Gabriels, Inc. perform an A/L Ratio, and Static Leak test, and submit the test results within thirty (30) days from the test date as stipulated in OAC Rule 3745-21-09(DDD)(2)(c), and submit a copy of a Stage II compliance specialist certificate once the required training has been completed to the following address:

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

In addition, CDAQ requests ZT Gabriels, Inc. submit either a PTIO application or a PBR notification form for EU G001 within thirty (30) days of your receipt of this letter to the following address:

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

CDAQ also requests that ZT Gabriels, Inc. obtain a 2011 city permit by submitting city permit fees within thirty (30) days of receipt of this letter to CDAQ at the following address:

City Permit Fee Invoices
Cleveland Division of Air Quality
75 Erieview Plaza 2nd Floor
Cleveland, Ohio 44114-1839

If there is insufficient time to correct the alleged violations within this timeframe, a written response must be received within thirty (30) days of receipt of this letter that includes a timeline for correcting the alleged violations.

The appropriate permit application(s) and supplemental form(s) are included with this letter. Please note that all permit applications submitted to CDAQ must include original signatures. Photocopied signatures are not valid; the application will not be accepted by CDAQ and will be returned to you if original signatures are not provided.

Permit-to-install/operate (PTIO) applications may be completed through the Ohio EPA eBusiness Center at <https://ebiz.epa.ohio.gov/>. An account is required to be created and a pin number assigned.



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 Bryan Sokolowski at (216) 420-7663. All correspondence with CDAQ must include the Ohio EPA facility identification number for ZT Gabriels, Inc: 13-18-00-6866.

Sincerely,

Linda Kimmy
Field Enforcement Manager

LK/BS

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\1318006866\2011-8-1 NOV.docx

encl: Permit-by-Rule Notification Form

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:

Tony Bougebravel
 ZT Gabriels, Inc
 2249 West 117th Street
 Cleveland, Ohio, 44111

2. Article Number
(Transfer from se)

7010 1870 0000 6591 2298

13-18-00-6866

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Tony Bougebravel*

 Agent Address

B. Received by (Printed Name)

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

PS Form 3811, February 2004

Domestic Return Receipt

102596-02-M-1

9-12-11

Facility ID: 13-18-00-6866

SEP 14 2011

Gentlemen,

I am writing to inform you of the receipt of your letter dated August 15, 2011 informing us of standing violations. Please be aware that we are currently taking the necessary steps to correct the violations listed in your letter.

The taken corrective actions include:

- Contracting ECT to conduct an A/L Ratio test and Static Leak test – scheduled for the week of Sept 12
- Contracting ECT to provide a PBR
- Sent in the city of Cleveland permit fee and application
- Began looking into sending one of our employees to get certified in Stage II compliance

Given the fact that these issues take time, we kindly ask you to extend the corrective action timeframe for another 30 days.

Sincerely,



Tony Bougebrayel
President of ZT Gabriels Inc.