



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 7009 3410 0002 1934 2353
RETURN RECEIPT REQUESTED**

April 8, 2011

Yousef Naser
Buckeye Petroleum, Inc.
6401 Barberton Ave Suite 200
Cleveland, Ohio 44102

NON-HPV

FACILITY ID: 1318007219

**NOTICE OF VIOLATION/ NOTICE OF VIOLATION FOLLOW-UP LETTER:
Failing Annual Stage II Testing and Failure to Obtain a City Permit-to-Operate by
Submitting a City Permit Fee for Calendar Year 2010**

Dear Mr. Naser:

On February 16, 2011, the Cleveland Division of Air Quality (CDAQ) inspected Buckeye Petroleum, Inc. located at 13009 Buckeye Ave in Cleveland, Ohio. This letter serves as notification that you operated sources in violation of the following applicable air statutes, air regulations, or air permit conditions.

On February 3, 2011, Buckeye Petroleum, Inc. Gasoline Dispensing Facility (GDF) failed an Air-to-Liquid Test on pump #4. The failure to successfully pass the testing requirements specified in Ohio Administrative Code (OAC) Rule 3745-21-09(DDD)(2), while causing, allowing, or permitting the transfer of gasoline from a stationary storage tank into a motor vehicle, was a violation of OAC Rule 3745-21-09(DDD)(1)(c) and Ohio Revised Code (ORC) Chapter 3704.05(G). An Air-to-Liquid Ratio retest on pump #4 was performed and passed on March 4, 2011.

The retest successfully resolves the first violation mentioned; however, Buckeye Petroleum is still currently in violation of City of Cleveland Codified Ordinances 259.01 and 263.01 for not having obtained a city permit-to-operate by submitting a city permit fee for calendar year 2010.

CDAQ requests that Buckeye Petroleum, Inc. obtain a city permit-to-operate by submitting a city permit fee for calendar year 2010 within fourteen (14) days of receipt of this letter to the following address:



City Permit Fee Invoices
Cleveland Division of Air Quality
75 Erieview Plaza, Suite 200
Cleveland, Ohio 44114

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 Mike Samec at (216) 420-7682. All correspondence with CDAQ must include the Ohio EPA facility identification number for Buckeye Petroleum, Inc.: 1318007219.

Sincerely,

A handwritten signature in cursive script that reads "Linda Kimmy".

Linda Kimmy
Field Enforcement Manager

LK/ms

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\1318007219\2011-02-16 NOV+NEAR.doc

enc: 2010 City permit fee invoice