



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 1933 8806
RETURN RECEIPT REQUESTED**

June 15, 2010

Arthur Low, Jr.
Prime Properties LTD Partnership
1370 West 6th St. Ste. 206
Cleveland, OH 44113

NON-HPV

FACILITY ID: 13-18-00-7317

NOTICE OF VIOLATION : Failure to conduct annual Stage II testing; Failure to provide proof of attendance and completion of training required by Ohio EPA; Failure to provide records of maintenance; Failure to conspicuously post operating instructions which clearly state "Do Not Top Off"

Dear Mr. Low:

On June 10, 2010, the Cleveland Division of Air Quality (CDAQ) inspected Prime #6 located at Clark Avenue 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.

Prime #6 is in violation of Ohio Administrative Code (OAC) Rule 3745-21-09(DDD)(1)(c) which states that no owner or operator of a gasoline dispensing facility (GDF) may cause, allow, or permit the transfer of gasoline from a stationary tank at a GDF into a motor vehicle unless the vapor control system successfully passes the testing requirements contained in OAC Rule 3745-21-09(DDD)(2).

Prime #6 has failed to conduct Stage II testing as required by Ohio Administrative Code (OAC) Rule 3745-21-09(DDD)(2)(f) at the frequency specified in the California Air Resources Board (CARB) certification for the Stage II vapor recovery equipment. Executive Order G-70-150-AE states that the owner or operator of the installation shall conduct, and pass, an Air-to-Liquid (A/L) Ratio test as specified in TP-201.5 and a Static Pressure Decay (SL) test as specified in Exhibit 3, no later than 60 days after startup and at least once in each twelve month period thereafter. An A/L Ratio and a Static Leak test were last conducted on April 3, 2009.



Prime #6 failed to maintain a log of the date and description of all repair and maintenance work and retain those records for a period of not less than three years in violation of Ohio Administrative Code (OAC) Rule 3745-21-09(DDD)(3)(iii) and OAC Rule 3745-21-09(DDD)(3)(b).

Prime #6 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.

Prime #6 failed to conspicuously post operating instructions on each dispenser in violation of OAC Rule 3745-21-09(DDD)(1)(d). Fueling instructions must clearly state, "Do Not Top Off" the motor vehicle fuel tank.

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that Prime #6 complete the following requirements:

- Conduct annual Stage II testing and submit test results
- Submit a copy Stage II compliance specialist certificate for Prime #6 once the required training has been completed
- Post operating instructions on each dispenser
- Submit a corrective action plan stating how records of maintenance will be maintained in the future for a period of not less than three years and be made available to the director or any authorized representative of the director for review during normal business hours

Each of these items need to be completed within 30 days of receipt of this letter and sent to the following enforcement representative:

Megan Murphy
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 which includes a timeline for correcting the alleged violations must be received within thirty (30) days of receipt of this letter.

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 Megan Murphy at 216-664-4258. All correspondence with CDAQ must include the Ohio EPA facility identification number for Prime #6: 13-18-00-7317.

Sincerely,

Linda Kimmey for G.B.

George Baker
Chief of Enforcement

GB/mm

cc: Michael J. Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
Lisa Holscher, U.S. EPA Region V
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