



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 0000 6591 3547
RETURN RECEIPT REQUESTED**

September 26, 2011

John Purcell
Universal Oil Inc.
265 Jefferson Ave.
Cleveland, OH 44113-2594

NON-HPV

FACILITY ID: 13-18-00-7422

NOTICE OF VIOLATION: Permit-to-install/operate (PTIO) applications required for emissions unit J001 and the gasoline dispensing facility and J001 exceeding the annual throughput limit

Dear Mr. Purcell:

On July 27, 2011, the Cleveland Division of Air Quality (CDAQ) inspected Universal Oil Inc. (Universal Oil) located at 265 Jefferson 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.

Universal Oil obtained a registration permit for emissions unit J001: single bay tank truck bottom loading rack on November 21, 1986. According to Ohio Administrative Code (OAC) Rule 3745-31-08(B) sources placed on registration status are not subject to any mass emissions limitation or control requirement. However, OAC Rule 3745-31-08(D) allows CDAQ to request that Universal Oil complete a permit-to-install and operate (PTIO) application to demonstrate that J001 is not subject to a mass emissions limitation.

Universal Oil's operation of J001 is in violation of its permit-to-install (PTI) #13-1597 in that it exceeded the allowable annual throughput. According to the Product Throughput Reports for 1991 through 1997 and 1999 through 2010, the total throughput for J001 exceeded the allowable limit of 192,136 gallons/year. This is in violation of PTI #13-1597 and Ohio Revised Code (ORC) Sections 3704.05(C) and (D).

Another source, a gasoline dispensing facility, has been operating since its 1986 installation without submitting a PTIO application or permit-by-rule (PBR) notification form as required by state rules. This is in violation of OAC Rules 3745-31-02(A) and Ohio Revised Code (ORC) Sections 3704.05(F) 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 Universal Oil submit a corrective action plan about how compliance with J001's annual throughput limit will be achieved to the following enforcement representative:

David Wagner
Cleveland Division of Air Quality
75 Erieview Plz., 2nd Fl.
Cleveland, OH 44114-1839

CDAQ also requests Universal Oil submit a PTIO application or a PBR notification form for the gas station to the following address:

Permitting Section
Cleveland Division of Air Quality
75 Erieview Plz., 2nd Fl.
Cleveland, OH 44114-1839

In addition, CDAQ requests that Universal Oil submit an updated PTIO application for EU J001 to the above address.

The corrective action plan and PTIO applications or PBR notification form must be received by CDAQ within 28 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.

The appropriate permit applications and supplemental forms 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. 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 ORC Section 3704.99(A), which allows fines of not more than \$25,000 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.

OCAPP can also provide assistance to facilities that want to investigate methods of pollution prevention to reduce raw material usage and waste production. Again, there is no charge for their services.



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. If you have any questions, please call David Wagner at 216/664-3004. All correspondence with CDAQ must include the Ohio EPA facility identification number for Universal Oil: 13-18-00-7422.

Sincerely,

Linda Kimmy
Field Enforcement Manager

LK/dlw

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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encl: OCAPP brochure
Gasoline dispensing facility brochure
PTIO application and instructions
Loading rack emissions activity category (EAC) form and instructions
Storage tank EAC form and instructions
Gasoline dispensing facility EAC form and instructions
Gasoline dispensing facility PBR notification form and instructions

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: 00-7432 NOV

JOHN PURCELL
 UNIVERSAL OIL
 265 SEFFERSON AVE
 CLEVELAND OH 44113

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 X Rochelle Adams Agent
 Addressee

B. Received by (Printed Name) _____ C. Date of Delivery 9/29/11

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

2. Article # 7010 3870 0000 6591 3547
 (Transfer from ~~mailpiece~~)