



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 2304
RETURN RECEIPT REQUESTED

August 15, 2011

Joseph Elabd
Food Express and Gas Inc.
12307 St. Clair Avenue
Cleveland, Ohio 44108

NON-HPV

FACILITY ID: 13-18-00-7497

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, failure to provide records of maintenance, and failure to obtain 2010 and 2011 city permits

Dear Mr. Elabd:

On August 1, 2011, the Cleveland Division of Air Quality (CDAQ) inspected Food Express and Gas Inc. located at 12307 St. Clair 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.

CDAQ has determined that Food Express and Gas Inc. failed to perform an Air-to-Liquid (A/L) Ratio test, and a Static Leak test 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). Food Express and Gas Inc. has been in violation since February 4, 2011.

Food Express and Gas 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.

Food Express and Gas 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.



Food Express and Gas Inc. 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 which is in violation of OAC Rule 3745-21-09(DDD)(3)(iii) and OAC Rule 3745-21-09(DDD)(3)(b).

In addition, Food Express and Gas Inc. is in violation of the City of Cleveland's Codified Ordinance Chapters 259.01 and 263.01 for failing to obtain 2010 and 2011 city permits 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 Food Express and Gas Inc:

1. 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)
2. Submit a copy of a Stage II compliance specialist certificate once the required training has been completed
3. 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 representatives of the director for review during normal business hours.

Each of these items needs to be submitted within thirty (30) days of receipt of this letter to the following address:

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

CDAQ requests Food Express and Gas 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 Food Express and Gas Inc. obtain 2010 and 2011 city permits 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 Food Express and Gas Inc.: 13-18-00-7497.

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
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encl: Permit-by-Rule Notification Form