



City of Cleveland  
Frank G. Jackson, Mayor

Department of Public Health  
Division of Air Quality  
75 Erieview Plaza, Second Floor  
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 #7010187000065912113  
RETURN RECEIPT REQUESTED**

May 3, 2012

Sam Jundi  
Buckeye Marathon  
8805 Buckeye Road  
Cleveland, OH 44106

NON-HPV

**FACILITY ID: 13-18-00-8342**

**SECOND NOTICE OF VIOLATION : Failure to submit 2011 Permit Evaluation Report (PER)**

Dear Mr. Jundi:

This letter serves as notification that you are still operating sources in violation of the following applicable air statutes, air regulations, or air permit conditions. The first Notice of Violation was issued April 5, 2012.

Buckeye Marathon has failed to submit a Permit Evaluation Report (PER) for the reporting period of January 1 – December 31, 2011, which was due no later than February 15, 2012. PERs are a reporting requirement specified in permit-to-install/operate (PTIO) # P0094961, Authorization (page 1) and Emission Unit Terms and Conditions section C.1.(e)(1), (page 15), issued to Buckeye Marathon on June 10, 2011.

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that Buckeye Marathon submit a PER for calendar year 2011 within fourteen (14) day of receipt of this letter to the following address:

Permit Section  
Cleveland Division of Air Quality  
75 Erieview Plaza 2<sup>nd</sup> 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 fourteen (14) days of receipt of this letter.

An Annual Permit Evaluation Report form is enclosed with this letter.

The above listed facility may be eligible for the Permit-by-Rule (PBR) exemption. This



exemption is based on monthly and annual throughput amounts. More information about the PBR Notification form can be found at the following web address:

<http://www.epa.state.oh.us/dapc/pbr/permitbyrule.aspx> . Please review the PBR requirements for gasoline dispensing facilities to determine if these facilities meet the criteria for this exemption. A PBR Notification form has been enclosed with this letter.

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.

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.

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 Andrew Kenney at 216-420-7683. All correspondence with CDAQ must include the Ohio EPA facility identification number for Buckeye Marathon: 13-18-00-8342.

Sincerely,

Valencia White  
Chief of Enforcement, CDAQ

VW/ak LK

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\1318008342\2012-4-3 NOV2.doc

**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:

Sam Jundi  
Buckeye Marathon  
3205 Buckeye Rd  
Cleveland, OH 44106

2. Article Number  
(Transfer from s)

7010 1870 0000 6591 3219

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 *Ajz Abdul*  Agent  
 Address

B. Received by (Printed Name) C. Date of Delivery  
*Ajz Abdul* *5-10-02*

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