



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 7011 3500 0000 1759 7969
RETURN RECEIPT REQUESTED**

April 13, 2012

Mahmoud Zayed

Owner

Warrmike, Inc. dba Speedy Gas

1685 Sperry Forge Trail

Westlake, Ohio 44148

FACILITY ID: 13-18-59-8703

NOTICE OF VIOLATION: Failure to conspicuously post "Do Not Top Off" instructions; failure to conduct and provide a copy of Stage II training certificate for the owner/operator of your gasoline dispensing facility

Dear Mr. Zayed:

On April 11, 2012, the Cleveland Division of Air Quality (CDAQ) inspected Speedy Gas located at 4351 Northfield Road in Warrensville Heights. This letter serves as notification that you are operating sources in violation of the following applicable air statutes, air regulations, or air permit conditions.

Speedy Gas has failed to conspicuously post operating instructions in each gasoline dispensing area. This is a violation of Ohio Administrative Code (OAC) Rule 3745-21-09(DDD)(1). Please note that OAC Rule 3745-21-09(DDD)(1)(d) specifies that operating instructions shall clearly describe how to properly fuel motor vehicles and shall specifically prohibit the "topping off" of the motor vehicle fuel tank.

Additionally, Speedy Gas is in violation of OAC 3745-09(DDD)(3)(a)(vi), in that you were unable to provide proof of attendance and completion of the training required for the **owner** or **operator** of your Stage II gasoline dispensing facility. The above violations are also violations of Ohio Revised Code Section 3704.05(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 Speedy Gas adequately post "no topping off" instructions within each gasoline dispensing area within thirty (30) days of your receipt of this letter. CDAQ is also requesting that you provide proof of attendance and completion of the required Stage II training for the **owner** or **operator** of your gasoline dispensing facility within thirty (30) days of your receipt of this letter.



If there is insufficient time to correct the alleged violations within this timeframe, you must submit a letter indicating the need for more time which includes a timeline for correcting the above violations, within thirty (30) days of your receipt of this letter, to the following enforcement representative:

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

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.

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. Should you have any questions, please call Valerie Shaffer at (216) 664-6292. All correspondence with CDAQ must include the Ohio EPA facility identification number for Speedy Gas: 13-18-59-8703.

Sincerely,

Linda Kimmy for VW

Valencia White
Chief of Enforcement, CDAQ

VW/vls

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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