



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 7003 1010 0004 2923 6127
RETURN RECEIPT REQUESTED

October 26, 2011

Scott Kollab
One Stop Sunoco #2
6225 Storer Avenue
Cleveland, Ohio 44102

NON-HPV

FACILITY ID: 13-18-00-7056

NOTICE OF VIOLATION: Failure to post clear operating instructions in each gasoline dispensing area; Failure to obtain a City of Cleveland permit-to-operate by paying City of Cleveland Air Contaminant Source fee for 2011

Dear Mr. Kollab:

On October 24, 2011, the Cleveland Division of Air Quality (CDAQ) inspected One Stop Sunoco #2 located at 4402 Lorain 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.

One Stop Sunoco #2 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) and Ohio Revised Code Section 3704.05 (G). 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, One Stop Sunoco #2 is operating in violation of City of Cleveland Codified Ordinances 259.01 and 263.01, for failing to obtain a City of Cleveland permit-to-operate by submitting a City of Cleveland Air Contaminant Source fee for 2011. A copy of the 2011 invoice is included with this letter.

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that One Stop Sunoco #2 post appropriate operating instructions in each gasoline dispensing area, including the prohibition of "topping off" of the motor vehicle fuel tank within thirty (30) days of your receipt of this letter to CDAQ.

If there is insufficient time to correct the alleged violations within this timeframe, you must submit a letter indicating the need for more time and include a timeline for correcting the alleged violations, to the following enforcement representative:



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

In addition, CDAQ requests that One Stop Sunoco #2 obtain a 2011 City of Cleveland permit-to-operate by submitting a City of Cleveland Air Contaminant Source fee, within thirty (30) days of receipt of this letter to the following address:

City Permit Fee Invoices
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.

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 One Stop Sunoco #2: 13-18-00-7056.

Sincerely,

Linda Kimmy
Field Enforcement Manager

LK/vls

cc: One Stop Sunoco #2, 4402 Lorain Avenue, Cleveland, OH 44113
George Baker and Mike Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
William MacDowell, U.S. EPA Region V
Facility File and L:\Data\Facilities\1318007056\2011-10-24 NOV.docx

encl: 2011 City of Cleveland Air Contaminant Source invoice