



City of Cleveland
Frank G. Jackson, Mayor

Department of Public Health
Division of Air Quality
75 Erievew 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 7009 3410 0002 1933 8714
RETURN RECEIPT REQUESTED**

May 27, 2010

John Gillota, Jr.
Gillota, Inc.
415 Hines Hill Road
Hudson, OH 44236

FACILITY ID: 13-18-00-8233

NOTICE OF VIOLATION: Failure to obtain city permits to operate by submitting city permit fees for calendar year 2009; Failure to conduct annual Stage II testing

Dear Mr. Gillota:

On May 18, 2010, the Cleveland Division of Air Quality (CDAQ) inspected H Gas located at 4810 Bridge Avenue in Cleveland. This letter serves as notification that you have and are operating sources in violation of the following applicable air statutes, air regulations, or air permit conditions.

H Gas has failed to obtain city permits to operate by submitting city permit fees for emission unit G001: Stage I and Stage II Gasoline Dispensing Facility for calendar year 2009. This is a violation of City of Cleveland Codified Ordinances 259.01 and 263.01.

H Gas is in violation of Ohio Administrative Code (OAC) Rule 3745-21-09(DDD)(1)(c) which states that no owner or operator of a gasoline dispensing facility (GDF) may cause, allow, or permit the transfer of gasoline from a stationary tank at a GDF into a motor vehicle unless the vapor control system successfully passes the testing requirements contained in OAC Rule 3745-21-09(DDD)(2).

H Gas has failed to conduct Stage II testing since December 17, 2008 as required by Ohio Administrative Code (OAC) Rule 3745-21-09(DDD)(2)(f) at the frequency specified in the California Air Resources Board (CARB) certification for the Stage II vapor recovery equipment. Executive Order G-70-163-AA states that the owner or operator of the installation shall conduct, and pass, an Air-to-Liquid (A/L) Ratio test as specified in TP-201.5 and a Static Pressure Decay (SL) test as specified in Exhibit 3, no later than 60 days after startup and at least once in each twelve month period thereafter. Static Leak, Blockage and Air-to-Liquid Ratio tests were last conducted on December 17, 2008.



Unless you undertake some type of corrective action you will remain in noncompliance. CDAQ requests that H Gas obtain 2009 city permits-to-operate by submitting city permit fees for G001 within thirty (30) days of receipt of this letter to the following address:

City Permit Fees
Cleveland Division of Air Quality
75 Erieview Plaza, 2nd Floor
Cleveland, OH 44114-1839

In addition, CDAQ requests that H Gas conduct Stage II testing and submit the test results within thirty (30) days to the following enforcement representative:

Megan Murphy
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 time frame, a written response which includes a timeline for correcting the alleged violations must be received within thirty (30) days of receipt of this letter.

H Gas 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 H Gas meets the criteria for this exemption. A PBR Notification form is enclosed with this letter.

Please note that all PBR Notification forms submitted to CDAQ must include original signatures. Photocopied signatures are not valid; the notification form will not be accepted by CDAQ and will be returned to you if original signatures are not provided.

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 Megan Murphy at



216-664-4258. All correspondence with CDAQ must include the Ohio EPA facility identification number for H Gas: 13-18-00-8233.

Sincerely,

Grinda Kimmey for G.B.

George Baker
Chief of Enforcement, CDAQ

GB/mm

cc: Michael J. Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
Lisa Holscher, U.S. EPA Region V
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encl: PBR Fact Sheet from Ohio EPA
PBR Notification Form
City permit fee invoices for calendar year 2009