



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 7009 3410 0002 1934 1530
RETURN RECEIPT REQUESTED**

February 16, 2011

John Daher
Freeway Sunoco
15504 Waterloo Road
Cleveland, OH 44110

NON-HPV

FACILITY ID: 13-18-00-8353

NOTICE OF VIOLATION: Failure to provide proof of attendance and completion of training; Failure to provide proof of maintenance

Dear Mr. Daher:

On January 21, 2011, the Cleveland Division of Air Quality (CDAQ) inspected Freeway Sunoco located at 15504 Waterloo Road 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.

Freeway Sunoco 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.

Freeway Sunoco also 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 in violation of Ohio Administrative Code (OAC) Rule 3745-21-09(DDD)(3)(iii) and OAC Rule 3745-21-09(DDD)(3)(b).

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that Freeway Sunoco submit proof of attendance and completion of training, records of maintenance, and a plan outlining how records will be maintained in the future 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 timeframe, a written response which includes a timeline for correcting the alleged violations must be received within thirty (30) days of receipt of this letter.

In addition, Freeway Sunoco 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 Freeway Sunoco 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 PBR Notification Form will not be accepted by CDAQ and will be returned to you if the original signatures are not provided.

The PBR Notification Form may be submitted to the following address:

Permit Section
Cleveland Division of Air Quality
75 Erieview Plaza 2nd Floor
Cleveland, OH 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 Megan Murphy at 216-664-4258. All correspondence with CDAQ must include the Ohio EPA facility identification number for Freeway Sunoco: 13-18-00-8353.

Sincerely,

Linda Kimmy
Field Enforcement Manager

LK/mm

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 (PBR) Notification form