



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 #7010187000065911864
RETURN RECEIPT REQUESTED**

September 16, 2011

Assyed Shihadeh
Midwest Marathon
5790 State Rd
Parma, OH 44134

NON-HPV

FACILITY ID: 13-18-45-7545

NOTICE OF VIOLATION : Operating without a permit, failure to provide records of maintenance and failure to provide proof of attendance and completion of training required by Ohio EPA

Dear Mr. Shihadeh:

On August 25th and 30th, 2011, the Cleveland Division of Air Quality (CDAQ) inspected Midwest Marathon located at 5790 State Rd in Parma. This letter serves as notification that you are operating sources in violation of the following applicable air statutes, air regulations, or air permit conditions.

Midwest Marathon is currently operating without proper permits. This is a Violation of Ohio Administrative Code (OAC) Rule 3745-31-02(A)(1) and Ohio Revised Code (ORC) Section 3704.05(F)

Midwest Marathon 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 OAC Rule 3745-21-09(DDD)(3)(iii) and OAC Rule 3745-21-09(DDD)(3)(b) as well as ORC Section 3704.05(G).

Midwest Marathon 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) as well as ORC Section 3704.05(G) 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.

Unless you undertake some type of corrective action with respect to the above noted



violations, you will remain in non-compliance. CDAQ requests that Midwest Marathon submit a Permit by Rule Notification Form or Permit-to-Install/Operate application to the following address:

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

CDAQ also requests a template that will be used to track required maintenance checks in addition to proof of attendance and completion of Stage II training as required by Ohio EPA to the following enforcement representative:

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

Your written response to this letter must be received by CDAQ within thirty (30) days of your receipt of this letter. If there is insufficient time to correct the alleged violations within this timeframe, your response must include a timeline for correcting the alleged violations.

Permit-to-install/operate (PTIO) applications may be completed through the Ohio EPA eBusiness Center at <https://ebiz.epa.ohio.gov/>. An account is required to be created and a pin number assigned.

In addition, Midwest Marathon 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 Midwest Marathon meets the criteria for this exemption. A PBR Notification form is enclosed with this letter.

Please note that all permit applications or PBR Notification forms 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.

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.

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 Midwest Marathon: 13-18-45-7545.

Sincerely,

A handwritten signature in black ink that reads "Linda Kimmy".

Linda Kimmy
Field Enforcement Manager

LK/ak

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: PBR Notification form