



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 1516
RETURN RECEIPT REQUESTED**

February 15, 2011

Assed Tayeh
Quick Pik Valero
1930 East 79th Street
Cleveland, OH 44103

NON-HPV

FACILITY ID: 13-18-00-8669

NOTICE OF VIOLATION: Failing Stage II testing; Failure to provide proof of attendance and completion of training required by Ohio EPA; Failure to provide proof of maintenance; Failure to conspicuously post operating instructions which clearly state "Do Not Top Off"; Failure to obtain city operating permits by submitting city permit fees for calendar year 2010

Dear Mr. Tayeh:

On February 14, 2011, the Cleveland Division of Air Quality (CDAQ) inspected Quick Pik Valero located at 1930 East 79th Street 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.

Quick Pik Valero conducted annual Stage II testing on February 14, 2011. The Static Leak test failed at this time. The Air-to-Liquid (A/L) Ratio was also conducted at this time. The A/L Ratio test also failed on dispenser #2. The failure to successfully pass the testing requirements in Ohio Administrative Code (OAC) Rule 3745-21-09(DDD)(2) while causing, allowing or permitting the transfer of gasoline from a stationary storage tank into a motor vehicle are violations of Ohio Revised Code (ORC) Section 3704.05(G) and OAC Rule 3745-21-09(DDD)(1)(b) and (c).

Additionally, Quick Pik Valero 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.

Quick Pik Valero 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).



Additionally, Quick Pik Valero is in violation of OAC Rule 3745-21-09(DDD)(1)(d) by operating a gasoline dispensing facility while failing to conspicuously post operating instructions on each dispenser. Instructions must clearly state "Do Not Top Off" on the motor vehicle fuel tank.

Also, Quick Pik Valero has not obtained a city permit-to-operate by submitting city permit fees for calendar year 2010. This is a violation of City of Cleveland Codified Ordinances 259.01 and 263.01. CDAQ hand delivered a copy of this invoice on February 14, 2011, an additional copy of this invoice is enclosed 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 Quick Pik Valero conduct a re-test of the Static Leak test and Air-to-Liquid ratio on dispenser #2 and submit test results within thirty (30) days.

CDAQ also requests that Quick Pik Valero begin conducting weekly maintenance checks and maintain corresponding logs, and submit a copy of a completed maintenance log and a copy of the Stage II compliance specialist certificate for Quick Pik Valero once the required training has been completed within 30 days of receipt of this letter to the following enforcement representative:

Megan Murphy
Cleveland Division of Air Quality
75 Erieview Plaza 2nd Floor
Cleveland, OH 44114-1839

CDAQ also requests that Quick Pik Valero obtain city permits-to-operate by submitting city permit fees for calendar year 2010 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

CDAQ also requests that Quick Pik Valero conspicuously post operating instructions which clearly state "Do Not Top Off" within thirty (30) days of receipt of this letter.

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.

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 Quick Pik Valero: 13-18-00-8669.

Sincerely,

Linda Kimmy

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
Facility File and L:\Data\Facilities\1318008669\2011-2-14 NOV.doc

encl: City permit fee invoice for calendar year 2010

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1 and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature X <i>Assed Tayeh</i> <div style="float: right;"> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee </div>	
1. Article Addressed to: <i>Assed Tayeh Quick Pik Valero 1930 E. 79th St. Cleveland, OH 44103</i>	B. Received by (Printed Name)	C. Date of Delivery <i>2/18/11</i>
2. Article Number <i>(Transfer from service label)</i>	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
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