



City of Cleveland
Frank G. Jackson, Mayor

Department of Public Health
Division of Air Quality
75 Erievue 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 7011 3500 0000 1759 5750
RETURN RECEIPT REQUESTED**

July 20, 2012

Jack Ecke
Seaway Gas and Petroleum, Inc.
1690 Columbus Road
Cleveland, OH 44113

FACILITY ID: 13-18-00-6323

**RESOLUTION OF VIOLATIONS
LETTER OF WARNING FOLLOW-UP LETTER**

Dear Mr. Ecke:

On April 25, 2012, the Cleveland Division of Air Quality (CDAQ) inspected Seaway Gas and Petroleum, Inc. (Seaway) located at 1690 Columbus Road in Cleveland.

On May 3, 2012, CDAQ issued a Letter of Warning requiring Seaway to submit city permit fees for calendar year 2009. CDAQ also requested documentation showing annual income, total sales of gasoline, and total sales of merchandise to be submitted in order to demonstrate compliance with the Independent Small Business Marketers (ISBM) exemption.

CDAQ is in receipt of a corrective action plan dated May 14, 2012, at which time Seaway submitted 2009 city permit fees and daily inventory records of gasoline sales.

CDAQ also received the 2011 Annual Permit Evaluation Report (PER) for Seaway on May 14, 2012.

CDAQ then issued a Receipt of Corrective Action Plan (RCAP) letter on June 4, 2012, requesting that Seaway submit documentation, such as a profit and loss statement, showing annual income and total sales of merchandise to be submitted in order to demonstrate compliance with the Independent Small Business Marketers (ISBM) exemption. Gasoline sales were previously submitted for the period of March 1, 2012, through May 1, 2012.

CDAQ issued a second RCAP on June 14, 2012, after CDAQ determined that Seaway is not eligible for the ISBM exemption and requested that Seaway allow CDAQ to complete an administrative modification to reflect current operations by submitting a signed statement allowing CDAQ to complete an administrative modification.

CDAQ received a completed Permit-by-Rule (PBR) Notification Form for Seaway on July 13, 2012.



The corrective action plan was received in a timely manner and appropriate steps were taken to bring the source into compliance. CDAQ has determined that no further enforcement action is warranted at this time, but reserves its right to take such action in the future if necessary.

CDAQ issues this letter with Ohio EPA's concurrence and 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 Seaway: 13-18-00-6323.

Sincerely,

A handwritten signature in cursive script that reads "Valencia White".

Valencia White
Chief of Enforcement, CDAQ

VW/mm

cc: John Paulian, Ohio EPA Central Office
William MacDowell, U.S. EPA Region V
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