



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 7011 2000 0002 6936 2894
RETURN RECEIPT REQUESTED**

7/20/12

Yaser Najjar
Marathon/Giant America
12436 Euclid Ave.
East Cleveland, OH 44106-4315

FACILITY ID: 13-18-18-8390

**NOTICE OF VIOLATION: FAILURE TO SUBMIT 2011 PERMIT EVALUATION
REPORT (PER)
RESOLUTION OF VIOLATIONS FOLLOW-UP LETTER**

Dear Mr. Najjar:

On 7/2/12, the Cleveland Division of Air Quality (CDAQ) received your Annual PER for 4/1/11 to 3/31/12 reporting period. This letter serves as notification that Marathon/Giant America was in violation of the following applicable air statutes, air regulations, or air permit terms and conditions.

Marathon/Giant America failed to submit a 2011 PER by the 5/15/12 deadline. This was in violation of your permit-to-install/operate (PTIO) #P0095358, Parts A, (7) and C, (1), (e); Ohio Administrative Code Rule 3745-15-03(D)(1); and Ohio Revised Code Sections 3704.05(C) and (G). Please note that the PER should have been submitted by the 5/15/12 deadline as indicated in the Authorization section. However, the above noted PER was received by CDAQ on 7/2/12. Appropriate steps were taken to bring the source into compliance. CDAQ determined that no further enforcement action is warranted at this time, but reserves its right to take such action in the future if necessary.

Please note that the previous violations reported to you in the 12/20/11, Notice of Violation, however, are still subject to enforcement action.



Your facility 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 exemption 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 your facility meets the criteria for this exemption. A PBR Notification form has been enclosed with this letter. If your facility is eligible for the PBR exemption, please submit the completed form to the following address:

Permit Section
Cleveland Division of Air Quality
75 Erieview Plz., Fl. 2
Cleveland, OH 44114-1839

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. If you have any questions, please call David Wagner at 216/664-3004. All correspondence with CDAQ must include the Ohio EPA facility identification number for Marathon/Giant America: 13-18-18-8390.

Sincerely,

Valencia White
Chief of Enforcement

VW/dlw *lk*

cc: John Paulian, Ohio EPA Central Office
William MacDowell, U.S. EPA Region V
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encl: PBR Notification form and instructions