



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 1933 7656
RETURN RECEIPT REQUESTED**

June 20, 2011

Alpesh Patel
Berea Sunoco
640 Prospect Road
Berea, OH 441017

NON-HPV

FACILITY ID: 13-18-06-7577

NOTICE OF VIOLATION: Operating Without a Permit, Failure to Provide a Stage II Compliance Specialist Certificate, Failure to Keep Records of Gasoline Deliveries

Dear Mr. Patel:

On June 13, 2011, the Cleveland Division of Air Quality (CDAQ) inspected Berea Sunoco located at 640 Prospect Road in Berea. This letter serves as notification that you are operating sources in violation of the following applicable air statutes, air regulations, or air permit conditions.

Berea Sunoco is in violation of the following:

- OAC Rule 3745-31-02(A)(1)(b) for operating without a permit
- OAC Rule 3745-21-09(DDD)(3)(a)(i) for failure to keep records of gasoline deliveries
- OAC Rule 3745-21-09(DDD)(3)(a)(iii) for failure to keep records of maintenance performed on the Stage II system
- OAC Rule 3745-21-09(DDD)(3)(a)(vi) for failure to have a Stage II training certificate stating that a facility manager or operator attended and completed the training required by the Ohio EPA to operate a Stage II Gasoline Dispensing Facility (GDF)



Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that Berea Sunoco submit the following items:

- A completed Permit By Rule (PBR) application form (discussed June 7, 2011)
- A Stage II Compliance Specialist Certificate for a manager or operator
- Total quantity of gasoline delivered to the facility for July 2011

The items requested above should be mailed to the following enforcement representative:

Andrew Marantides
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.

The appropriate permit application(s) and supplemental form(s) are included with this letter. Please note that all permit applications 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.

CDAQ requests that Berea Sunoco begin keeping records of maintenance being performed on the Stage II system.

CDAQ would also like to remind you of the most recent dates that Berea Sunoco had the required Stage II testing performed by Tank Integrity Services: October 5, 2010 for the Static Leak test (required annually), October 5, 2010 for the Air-to-Liquid Ratio test (required annually) and October 10, 2007 for the Dynamic Pressure (Blockage) test (required once every 5 years).

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 Andrew Marantides at (216) 420-8049. All correspondence with CDAQ must include the Ohio EPA facility identification number for Berea Sunoco: 13-18-06-7577.

Sincerely,

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

Linda Kimmy
Field Enforcement Manager

LK/AM

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\1318067577\2011-6-13 NOV.docx

encl: Permit By Rule application form, Stage II Inspection Checklist form

SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, 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.

1. Article Addressed to:

Alpesh Patel
Berea Snoco
640 Prospect Road
Berea, OH 44017

2. Article Number
(Transfer from service label)

7009 3410 0002 1933 7656

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Alpesh Patel*

- Agent
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

6-22-11

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

- Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes