



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 8134
RETURN RECEIPT REQUESTED

March 29, 2010

Jonathan Ross
Circle K #5254
PO Box 347
Columbus, IN 47202

NON-HPV

FACILITY ID: 13-18-45-8705

NOTICE OF VIOLATION: Failure to conspicuously post "Do Not Top Off" instructions of the motor vehicle fuel tank; Failure to provide Stage II post test inspection forms

Dear Mr. Ross:

On March 12, 2010, the Cleveland Division of Air Quality (CDAQ) inspected Circle K #5254 (Circle K) located at 8911 Day Drive 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.

Circle K's operation of its gasoline dispensing facility is in violation of Ohio Administrative Code (OAC) Rule 3745-21-09(DDD)(1)(d), in that Circle K failed to conspicuously post operating instructions for the vapor control system in each gasoline dispensing area. Operating instructions shall specifically prohibit the "topping off" of the motor vehicle fuel tank.

Circle K was unable to provide copies of test results conducted for the past three years. This is a violation of Ohio Administrative Code (OAC) Rule 3745-21-09(DDD)(3)(a)(ii), which states that any owner or operator of a gasoline dispensing facility shall maintain the results of any tests performed. In addition, OAC Rule 3745-21-09(DDD)(3)(b) states that all records shall be retained by the owner or operator for a period of not less than three years and shall be made available to the director or any authorized representative of the director for review during normal business hours.

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that Circle K #5254 submit a corrective action plan within fourteen (14) days of receipt of this letter stating how Circle K will maintain copies of these test results for future inspections for three calendar years to the following enforcement specialist:



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

Additionally, CDAQ requests that Circle K #5254 conspicuously post fueling instructions on each dispenser within fourteen (14) days of receipt of this letter that clearly state "Do Not Top Off" of the motor vehicle fueling tank.

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 fourteen (14) 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 Circle K #5254: 13-18-45-8705.

Sincerely,

Lynda Kimmy for G.B.

George Baker
Chief of Enforcement

GB/MM

cc: Michael J. Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
Lisa Holscher, U.S. EPA Region V
Facility File and L: Data\Facilities\1318458705\2010-3-12 NOV.doc

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U.S. POSTAL SERVICE
CERTIFIED MAIL RECEIPT
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Street, Apt. No.
or PO Box No. PO Box 347
City, State, ZIP+4
Columbus, IN 47202

Certified Mail Provides:

- A mailing receipt
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Important Reminders:

- Certified Mail may ONLY be combined with First-Class Mail® or Priority Mail®.
- Certified Mail is *not* available for any class of international mail.
- NO INSURANCE COVERAGE IS PROVIDED with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. For a return receipt, a USPS® postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "*Restricted Delivery*".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

IMPORTANT: Save this receipt and present it when making an inquiry.

PS Form 3800, August 2006 (Reverse) PSN 7530-02-000-9047

CDAQ - Megan Murphy

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:

Jonathan Ross
Circle K # 5254
PO Box 347
Columbus, IN 47202

2. Article Number
(Transfer from service label)

7009 3410 0002 1933 8134

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

[Handwritten Signature] Agent Addressee

B. Received by (Printed Name)

C. Date of Delivery

4-2-10

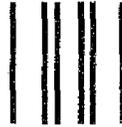
D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

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

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