

P. 2  
Sent to  
Peterson  
9-30-09



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 7003 1010 0004 2923 4697  
RETURN RECEIPT REQUESTED

September 15, 2009

Angie Hamel  
Circle K #5254  
8911 Day Drive  
Parma, OH 44129

FACILITY ID: 13-18-45-8705

NOTICE OF VIOLATION: Failure to provide copy of Stage II Compliance Specialist certificate; failure to conspicuously post "No Topping Off" instructions

Dear Ms. Hamel:

On September 4, 2009, 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), OAC Rule 3745-31-03(A)(4)(i) and Ohio Revised Code (ORC) Section 3704.05(G), 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.

Additionally, Circle K is in violation of OAC Rule 3745-21-09(DDD)(3)(a), in that Circle K failed to provide a copy of the certificate issued to the Stage II Compliance Specialist during the inspection. This is also a violation of OAC Rule 3745-31-03(A)(4)(i) and ORC 3704.5(G).

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 to the following enforcement representative:

Valerie Shaffer  
Cleveland Division of Air Quality  
75 Erieview Plaza 2nd Floor  
Cleveland, Ohio 44114-1839



**CLEVELAND DIVISION OF AIR QUALITY**  
75 ERIEVIEW PLAZA 2<sup>ND</sup> FLOOR • CLEVELAND, OH 44114-1839

Page 2  
R: 03/11/05

Your written response to this letter must be received by CDAQ within fourteen (14) 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.

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 Valerie Shaffer at (216) 664-6292. All correspondence with CDAQ must include the Ohio EPA facility identification number for Circle K #5254: 13-18-45-8705.

Sincerely,

A handwritten signature in black ink, appearing to read "George Baker".

George Baker  
Chief of Enforcement

GB/vls |X

cc: Jonathan Ross, Mac's Convenience Store  
John Paulian, Ohio EPA Central Office  
Facility File and L:\Data\Facilities\1318458313\2009-09-04 NOV.doc



Circle K

TO: Cleveland Division of Air Quality  
From: Jonathan Ross  
Environmental Compliance Manager  
Circle K Midwest/Greatlakes

Ref: Circle K # 5254  
8911 Day Drive  
Parma, OH. 44129

To whom it may concern,

Notice of violation stated that Circle K had two issues,

1. No operating instructions for the vapor control system.
2. No Stage II training Certification.

In response to #1 Petro-Com has been dispatched to take care of the Operating Instruction they have placed an order for the labels and will install as soon as they come in, should be within next week.

In response to #2 I'm sending along with letter copies of Stage II training Certifications that are in the Compliance Binder on site. Bob Duran and Becky Swaney completed their stage II training and received certifications for that.

This should take care of the issues that noted in letter. I would ask that you please send documentation showing this has been cleared and violation has been closed. If you have any questions or concerns feel free to contact me at [jross@circlek.com](mailto:jross@circlek.com) or 812-379-9227 X 1212.

Thanks,

A handwritten signature in black ink that reads "Jonathan Ross". The signature is written in a cursive style with a large, sweeping initial 'J'.

Jonathan Ross  
Environmental Compliance Manager

# CERTIFICATE OF TRAINING

TO CERTIFY THAT:

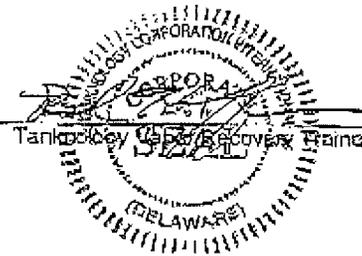
25-Mar-09

## Becky Swaney

Circle K # 5254, 8911 Day Street, Parma OH

**"Proper Operation and Maintenance of Stage II Vapor Recovery Equipment For Service Station Personnel"**

The name above is certified to fulfill the Stage II Facility Representative role exclusively for the location listed. The facility representative is responsible for educating all current and future employees about the purpose and correct operating procedures of the Stage II system at this location. This certification is non-transferable.



# CERTIFICATE OF TRAINING

TO CERTIFY THAT:

25-Mar-09

## Bob Duran

Circle K # 5254, 8911 Day Street, OH

**"Proper Operation and Maintenance of Stage II Vapor Recovery Equipment For Service Station Personnel"**

The name above is certified to fulfill the Stage II Facility Representative role exclusively for the location listed. The facility representative is responsible for educating all current and future employees about the purpose and correct operating procedures of the Stage II system at this location. This certification is non-transferable.

