



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



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,

George Baker
Chief of Enforcement

GB/vls |K

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

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:

CIRCLE K #5254
ANGIE HAMEL
8911 DAY DRIVE
PARMA, OH 44129

2. Article Number
(Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

- A. Signature
 Agent
 Addressee
X [Signature]
- B. Received by (Printed Name)
X Angela Hamel
- C. Date of Delivery
X 9-23-07
- D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type
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 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

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DIVISION OF AIR QUALITY
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Circle 16 / NOV
5254

