



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: 216/420-8017
www.clevelandhealth.org

**SERVING OHIO EPA AS AGENCY 13
FOR CUYAHOGA COUNTY**

**CERTIFIED MAIL 7009 3410 0002 1933 8615
RETURN RECEIPT REQUESTED**

May 13, 2010

Michael Matejka
Sunmart
29605 Aurora Road
Solon, OH 44139

NON-HPV

FACILITY ID: 13-18-53-6257

NOTICE OF VIOLATION: Operating an air emissions unit without obtaining a permit-to-install/operate (PTIO); Failure to provide proof of attendance and completion of training required by Ohio EPA; Failure to conspicuously post "Do Not Top Off" instructions

Dear Mr. Matejka:

On May 7, 2010, the Cleveland Division of Air Quality (CDAQ) inspected Sunmart located at 29605 Aurora Road in Solon. This letter serves as notification that you are operating sources in violation of the following applicable air statutes, air regulations, or air permit conditions.

Sunmart installed and has been operating a gasoline dispensing facility since March 2, 2010 without obtaining the necessary state operating permit. This is a violation of Ohio Revised Code (ORC) 3704.05 (G) and Ohio Administrative Code (OAC) 3745-31-02(A).

Sunmart also failed to provide proof of attendance and completion of training required by Ohio EPA in violation of OAC Rule 3745-21-09(DDD)(3)(a)(vi), which states that any owner or operator of a gasoline dispensing facility must provide proof of attendance and completion of training required by the Ohio EPA for the operator or local manager of the gasoline dispensing facility. Sunmart is required to have a Stage II compliance specialist certificate.

Additionally, Sunmart failed to conspicuously post operating instructions on each dispenser in violation of OAC Rule 3745-21-09(DDD)(1)(d). Fueling instructions must clearly state, "Do Not Top Off" the motor vehicle fuel tank.

Unless you undertake some type of corrective action you will remain in noncompliance. CDAQ requests that Sunmart submit a PTIO application or a PBR Notification Form within thirty (30) days to the following address:



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

CDAQ also requests that Sunmart complete the required training by Ohio EPA and submit proof of attendance and completion of training within thirty (30) days of receipt of this letter to the following enforcement representative:

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

Additionally, CDAQ also requests that Sunmart conspicuously post operating instructions which clearly state "Do Not Top Off" on each dispenser.

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 thirty (30) days of receipt of this letter.

The PTIO application form with accompanying Emission Activity Category (EAC) form may be downloaded at the following web address:
<http://epa.ohio.gov/dapc/fops/eac/eacforms.aspx>

In addition, Sunmart 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 Notification form can be found at the following web address: <http://www.epa.state.oh.us/dapc/pbr/permitbvrule.aspx>. Please review the PBR Requirements for gasoline dispensing facilities to determine if Sunmart meets the criteria for this exemption. A PBR Notification form is enclosed with this letter.

Please note that all permit applications or PBR Notification forms 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.

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 Sunmart: 13-18-53-6257.

Sincerely,

Linda 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\1318536257\2010-5-7 NOV.doc

encl: Permit-by-Rule (PBR) Notification Form
PBR Fact Sheet from Ohio EPA

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, 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:

Mike Matejka
 Summit
 29605 Aurora Rd.
 Solon, OH 44139

2. Article Number
 (Transfer from service label)

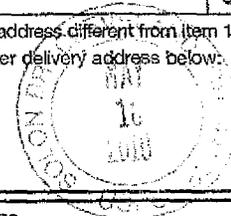
7009 3410 0002 1933 8615

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee

B. Received by (Printed Name) C. Date of Delivery
 5/18/10

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

