



City of Cleveland  
Frank G. Jackson, Mayor

Department of Public Health  
Division of Air Quality  
75 Erieview Plaza, Suite 200  
Cleveland, Ohio 44114-1839  
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www.clevelandhealth.org

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

**CERTIFIED MAIL 7009 3410 0002 1934 0427  
RETURN RECEIPT REQUESTED**

July 13, 2010

Michael Matejka  
Sunmart  
29605 Aurora Road  
Solon, OH 44139

NON-HPV

**FACILITY ID: 13-18-53-6257**

**SECOND NOTICE OF VIOLATION: Operating an air emissions unit without obtaining a permit-to-install/operate (PTIO); Failure to conspicuously post "Do Not Top Off" instructions**

Dear Mr. Matejka:

On May 13, 2010, the Cleveland Division of Air Quality (CDAQ) issued a Notice of Violation requiring Sunmart to submit a PTIO application or a PBR Notification Form, complete the required training by Ohio EPA and submit proof of attendance and completion of training, and conspicuously post operating instructions which clearly state "Do Not Top Off" on each dispenser. CDAQ is in receipt of a Stage II compliance specialist training certificate on May 27, 2010. On June 3, 2010 CDAQ issued a Receipt of Corrective Action Plan (RCAP) letter to Sunmart requesting a PTIO application or a PBR Notification Form be submitted and operating instructions be posted by June 23, 2010. This letter serves as notification that you are still 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).

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 fourteen (14) days to the following address:

Permit Section  
Cleveland Division of Air Quality  
75 Erieview Plaza 2<sup>nd</sup> 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 fourteen (14) 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/permitbyrule.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 Jimmy 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  
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encl: OCAPP brochure