



City of Cleveland  
Frank G. Jackson, Mayor

Department of Public Health  
Division of Air Quality  
75 Erieview Plaza, Second Floor  
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 7011 3500 0000 1759 7440  
RETURN RECEIPT REQUESTED**

8/21/12

Jonathan Ross  
Circle K  
315 Commons Mall  
Columbus, IN 47201

**NON-HIGH PRIORITY FACILITY**

**RE: CIRCLE K #5689 – 29605 AURORA RD., SOLON, OH 44139**

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

**NOTICE OF VIOLATION: Failure to obtain a Permit to Install/Operate (PTIO) or to submit a Permit by Rule (PBR) Notification Form; Failure to Submit Stage II Vapor Recovery Test Notification; Failure to Provide Stage II Vapor Recovery Training for Operator or Local Manager**

Dear Mr. Ross:

On 8/15/12, the Cleveland Division of Air Quality (CDAQ) inspected Circle K #5689 located at 29605 Aurora Rd. in Solon, OH. 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 #5689 failed to submit a PTIO or PBR Notification Form reflecting change of ownership effective 5/30/12 and the installation of new equipment at this location. Emission unit (EU) G001: Gas Dispensing Facility with Stage I and II vapor controls was previously identified as Wayne Vapor Vac Model 98-129865. On 8/15/12, equipment manufactured by Gilbarco was observed to be installed and confirmed by the station manager, Jeff Graham, as having replaced the Wayne Vapor Vacs. This is a violation of Ohio Administrative Code (OAC) rule 3745-31-02(A) and Ohio Revised Code (ORC) 3704.05(A).

Circle K #5689 failed to conduct Stage II Vapor Recovery Testing required in OAC rule 3745-21-09(DDD)(2)(a) to test within 60 days after installation or modification of a vapor control system. CDAQ requires that proper notification of Static Leak (SL), Dynamic Pressure (DP) and Air to Liquid (A/L) Ratio testing be submitted in accordance with OAC rule 3745-21-09 (DDD)(2)(c) to facilitate agency personnel availability to witness the tests.



Circle K #5689 also failed to provide Stage II Vapor Recovery Training for the operator or local manager. This is a violation of OAC rule 3745-21-09(DDD)(3)(a)(vi).

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 #5689 submit a PTIO or PBR Notification Form reflecting change of ownership and installation of new equipment at this location 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 requests that Circle K #5689 submit Stage II Vapor Recovery Test schedule notification, Stage II Vapor Recovery test results and a copy of the Stage II Vapor Recovery Training certificate for the operator or local manager to the following enforcement representative:

Dave DeChant  
Cleveland Division of Air Quality  
75 Erieview Plaza 2<sup>nd</sup> Floor  
Cleveland, Ohio 44114-1839

Your written response to this letter must be received by CDAQ within thirty (30) 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.

The appropriate PBR Notification Form is included with this letter. Please note that the PBR Notification Form submitted to CDAQ must include original signatures. Photocopied signatures are not valid; the notification will not be accepted by CDAQ and will be returned to you if original signatures are not provided.

Permit-to-install/operate (PTIO) applications may be completed through the Ohio EPA eBusiness Center at <https://ebiz.epa.ohio.gov/>. An account is required to be created and a pin number assigned.

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 (\$25,000) 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 Dave DeChant at 216-664-3213. All correspondence with CDAQ must include the Ohio EPA facility identification number for Circle K #5689: 13-18-53-6257.

Sincerely,

A handwritten signature in cursive script that reads "Valencia White".

Valencia White  
Chief of Enforcement, CDAQ

VW/dd

cc: Jeff Graham, Circle K #5689 Station Manager  
George P. Baker, CDAQ  
Michael J. Krzywicki, CDAQ  
John Paulian, Ohio EPA Central Office  
William MacDowell, U.S. EPA Region V  
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encl: PBR Notification Form