



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 2000 0002 6936 3174  
RETURN RECEIPT REQUESTED

September 13, 2012

Michael Matejka

Owner

Mayfield Corners Company, LLC d.b.a. Sunmart

6665 Mayfield Road

Mayfield Hts., Ohio 44124

### NON-HIGH PRIORITY FACILITY

**FACILITY ID: 13-18-31-8277**

**NOTICE OF VIOLATION: Failure to submit a permit-to-install (PTIO) application for the operation of your gasoline dispensing facility; failure to timely conduct Stage II testing**

Dear Mr. Matejka:

On September 6, 2012, the Cleveland Division of Air Quality (CDAQ) inspected Mayfield Corners Company, LLC d.b.a. Sunmart (Sunmart) located at 6665 Mayfield Road in Mayfield Hts. This letter serves as notification that you are operating sources in violation of the following applicable air statutes, air regulations, or air permit conditions.

Your operation of emissions unit (EU) G001: Gasoline Dispensing Facility with Stage II vapor controls, is in violation of Ohio Administrative Code (OAC) rule 3745-31-02(A)(1)(b), in that you failed to first obtain authority to operate EU G001 through the issuance of a permit-to-install/operate (PTIO). Your failure to first obtain authority to operate EU G001 through the issuance of a PTIO is also a violation of Ohio Revised Code (ORC) section 3704.05(F). Sunmart has been in violation of OAC rule 3745-31-02(A)(1)(b) and ORC section 3704.05(F) since you took ownership of the site in 2008.

Please note that in lieu of obtaining a PTIO, facilities can elect to operate legally as an air contaminant source under the permit-by-rule (PBR) exemption for gas stations if the gas station meets the qualifying criteria pursuant to the PBR exemption under OAC rule 3745-31-03(A)(4)(i): Gasoline dispensing facility with Stage I and Stage II controls permit-by-rule. Information relating to PBR status and a PBR notification form is included with this letter.



Additionally, you are in violation of OAC rule 3745-21-09(DDD)(2)(d) and (f), in that Sunmart has failed to timely conduct the following Stage II tests: Dynamic Pressure, Static Leak and Air-to-Liquid Ratio. The Dynamic Pressure test was last conducted on April 27, 2007, and is required to be completed every five (5) years. Static Leak and Air-to-Liquid Ratio were last conducted on July 6, 2011, and are required to be completed every 12 months. Failure to comply with OAC rule 3745-21-09(DDD)(2)(d) and (f) is also a violation of ORC section 3704.05(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 Sunmart submit the required PTIO application, or the PBR notification form, within thirty (30) days of your receipt of this letter to the following:

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

**Please note that all permit applications 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. Permit applications may also 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.

In addition, Sunmart must schedule and conduct the required Stage II tests within thirty (30) days of or your receipt of this letter. If there is insufficient time to correct the alleged violations within this timeframe, you must submit a letter indicating the need for more time which includes a timeline for correcting the above violations, within fourteen (14) days of your receipt of this letter, to the following enforcement representative:

Valerie Shaffer  
Cleveland Division of Air Quality  
75 Erieview Plaza, 2<sup>nd</sup> floor  
Cleveland, Ohio 44114-1839

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.

Free assistance with state and/or federal regulations, rules, laws or permit conditions can be provided at no charge through the Ohio EPA Office of Compliance Assistance and Pollution Prevention (OCAPP). OCAPP can be contacted at <http://www.epa.ohio.gov/ocapp> or (614) 644-3469 or (800) 329-7518. CDAQ makes no guarantee that the facility will meet the qualifying guidelines established by OCAPP.



OCAPP can also provide assistance to facilities that want to investigate methods of pollution prevention to reduce raw material usage and waste production. Again, there is no charge for their services.

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 Sunmart: 13-18-31-8277.

Sincerely,

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

Valencia White  
Chief of Enforcement, CDAQ

VW/vls *LM*

cc: 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: PTIO notification form & instructions