



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 7303
RETURN RECEIPT REQUESTED**

10/19/12

Jay Hammoud
Express Gas & Go
3474 W. 25th St.
Cleveland, OH 44109

NON-HPF

FACILITY ID: 13-18-00-7940

NOTICE OF VIOLATION: Failure to obtain a Permit to Operate/Install (PTIO) or Permit by Rule (PBR) Notification Form; Failure to conduct required Stage II testing; Failure to maintain required records; Failure to complete Stage II Vapor Recovery training

Mr. Hammoud:

On 10/18/12, the Cleveland Division of Air Quality (CDAQ) inspected Express Gas & Go located at 3474 W. 25th St. in Cleveland. This letter serves as notification that you are operating a source in violation of the following applicable air statutes, air regulations, or air permit conditions.

CDAQ records indicate this facility having been shut down 9/7/07. You stated that this station was re-opened in September of 2012.

CDAQ received a Stage II Vapor Recovery Intent to Test Notification for testing to be conducted at this facility on 9/24/12. CDAQ was subsequently notified that the testing had been canceled. No tests have been rescheduled as of 10/19/12.

Express Gas & Go failed to submit a PTIO application or PBR Notification Form for emissions unit (EU) G001: Gasoline Dispensing Facility. This is a violation of the Ohio Revised Code (ORC) rule 3704.03 and the Ohio Administrative Code (OAC) rule 3745-31-02.

Express Gas & Go failed to conduct required Stage II Vapor Recovery System testing. This is a violation of OAC rule 3745-21-09(DDD)(1)and(2).



Express Gas & Go failed to maintain required gasoline delivery, testing, maintenance and inspection records. This is a violation of OAC rule 3745-21-09(DDD)(3)(a) and (b).

Express Gas & Go failed to have an operator or local manager attend and complete required Stage II Vapor Recovery Training. 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 Express Gas & Go submit a PTIO application or a PBR Notification Form to the following address:

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

And, conduct required Stage II Vapor Recovery testing; provide copies of required record keeping and certification of Stage II Vapor Recovery training to the following enforcement representative:

Dave DeChant
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 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 and supplemental form(s) were provided to you at the time of the site visit. 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-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 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.

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 Express Gas & Go: 13-18-00-7940.

Sincerely,

A handwritten signature in black ink, appearing to read "Valencia White".

Valencia White
Chief of Enforcement, CDAQ

VW/dd

cc: George P. Baker, CDAQ
Michael J. Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
William MacDowell, U.S. EPA Region V
Facility File and L:\Data\Facilities\1318007940\2012-10-18 NOV.docx

encl: PBR Notification Form and instructions