



City of Cleveland
Frank G. Jackson, Mayor

Department of Public Health
Division of Air Quality
75 Erievue Plaza, Second Floor
Cleveland, Ohio 44114-1839
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www.clevelandhealth.org

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

**CERTIFIED MAIL 7011 3500 0000 1759 8188
RETURN RECEIPT REQUESTED**

February 20, 2013

Tim Thomas
Southland Sunoco
7026 West 130th Street
Middleburg Heights, OH 44130

NON-HIGH PRIORITY FACILITY

FACILITY ID: 13-18-34-6812

**NOTICE OF VIOLATION: FAILURE TO CONDUCT ANNUAL STAGE II
(STATIC LEAK AND AIR-TO-LIQUID RATIO) TESTING AND FAILURE TO
SUBMIT ANNUAL PERMIT EVALUATION REPORT**

Dear Mr. Thomas:

On February 15, 2013, the Cleveland Division of Air Quality (CDAQ) inspected Southland Sunoco located at 7026 West 130th Street in Middleburg Heights. 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.

Southland Sunoco is operating emissions unit G001: Gilbarco Gasoline Dispensing Facility with Stage II vapor controls, in violation of Ohio Administrative Code (OAC) rule 3745-21-09(DDD)(1)(c), in that applicable Stage II testing, as contained in OAC rule 3745-21-09(DDD)(2), has not been conducted since January 7, 2011. This is also a violation of Permit To Install and Operate (PTIO) # P0095593 Part C. 1. f. and g., Ohio Administrative Code (OAC) Rule 3745-31-05(B) and Ohio Revised Code (ORC) Section 3704.05(C) and (G). PTIO # P0095593 was issued on December 23, 2011.

Southland Sunoco has also failed to submit an annual Permit Evaluation Report (PER) for the reporting period of October 1, 2011 to September 30, 2012. This is a violation of ORC Section 3704.05(C) and PTIO #P0095593 Part C. 1. e. 1.

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that within thirty (30) days of your receipt of this letter, Southland Sunoco schedule and perform the annual Stage II testing (Static Leak and Air-to-Liquid Ratio tests) and submit the test results, along with the completed enclosed annual PER to the following enforcement representative:



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

If there is insufficient time to correct the alleged violations within this timeframe, your response must include a timeline for correcting the alleged violations.

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.

You may be eligible for a Permit By Rule (PBR) for emissions unit G001: Gilbarco Gasoline Dispensing Facility with Stage II vapor controls. Applying for a PBR would result in the revocation of PTIO # P0095593. If you choose to apply for a PBR, please complete the enclosed application form and submit it to the following address:

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

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 Andrew Marantides at (216) 420-8049. All correspondence with CDAQ must include the Ohio EPA facility identification number for Southland Sunoco: 13-18-34-6812.

Sincerely,

Valencia White
Chief of Enforcement, CDAQ

VW/AM *UK*

cc: George P. Baker, CDAQ
Michael J. Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
Brian Dickens, U.S. EPA Region V
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encl: Annual PER form for reporting period October 1, 2011 - September 30, 2012
Permit By Rule (PBR) Form with instructions