



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 7012 2210 0000 5209 2544
RETURN RECEIPT REQUESTED**

April 5, 2013

Peggie Betz
7-Eleven
1722 Routh Street, Suite 1000
Dallas, TX 75201

**NON-HIGH PRIORITY FACILITY
EMISSIONS VIOLATION**

RE: 7-ELEVEN NO. 36219, 120 BROADWAY, CLEVELAND, OHIO 44146

**FACILITY ID: 13-18-03-7574
NOTICE OF VIOLATION / NOTICE OF VIOLATION FOLLOW-UP LETTER:
Failure to successfully pass Stage II vapor recovery system testing**

Dear Ms. Betz:

On March 15, 2013, the Cleveland Division of Air Quality (CDAQ) received Stage II vapor recovery system testing results for 7-Eleven No. 36219, located at 120 Broadway Avenue in Bedford, Ohio. This letter serves as notification that you were operating sources in violation of the following applicable air statutes, air regulations, or air permit conditions.

On March 11, 2013, the air-to-liquid ratio test failed on pumps 5, 7, 8, 9 and 10. The failure to successfully pass the testing requirements contained in Ohio Administrative Code (OAC) rule 3745-21-09(DDD)(2) is a violation of OAC rule 3745-21-09(DDD)(1)(c), and Ohio Revised Code section 3704.05(G).

However, CDAQ is in receipt of passing air-to-liquid ratio test results for pumps 5, 7, 8, 9 and 10, conducted on March 22, 2013. The test results were received, via email, on March 26, 2013.

Please note that CDAQ did not receive 30-day prior notification in regards to the March 11, 2013 Stage II testing. Pursuant to OAC rule 3745-21-09(DDD)(2)(c), the owner or operator of a gasoline dispensing facility shall submit a test notification to the appropriate Ohio EPA district office or local air agency (i.e. CDAQ).



Appropriate steps were taken to bring 7-Eleven No. 36219 into compliance. CDAQ has determined that no further enforcement action is warranted at this time, but reserves its right to take such action in the future if necessary.

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 7-Eleven No. 36219: 13-18-03-7574.

Sincerely,

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

Valencia White
Chief of Enforcement, CDAQ

VW/vls

cc: Tanknology, 6740 Huntley Road, Suite 203, Columbus, Ohio 43229
George P. Baker, CDAQ
Michael J. Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
Brian Dickens, U.S. EPA Region V
L:\Data\Facilities\1318030172\2013-04-02 NOV-ROV+NEAR.docx