



**City of Cleveland**  
Frank G. Jackson, Mayor

Department of Public Health  
Division of Air Quality  
75 Erievue 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 3374  
RETURN RECEIPT REQUESTED**

April 15, 2013

Belal Odat  
Owner  
formerly Arthur's Shell  
15400 Euclid Ave.  
East Cleveland, OH 44112-2808

**NON-HIGH PRIORITY FACILITY**

**FACILITY ID: 13-18-18-6788**

**NOTICE OF VIOLATION: PERMIT-TO-INSTALL/OPERATE APPLICATION OR  
PERMIT-BY-RULE NOTIFICATION REQUIRED; PROOF OF COMPLETION OF THE  
TRAINING REQUIRED BY THE OHIO EPA (STAGE II TRAINING) REQUIRED**

Dear Mr. Odat:

On April 11, 2013, the Cleveland Division of Air Quality (CDAQ) inspected the gasoline dispensing facility (GDF) formerly known as Arthur's Shell located at 15400 Euclid Avenue in East 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.

You purchased the GDF in July of 2012. Your operation of emissions unit G001: GDF with Stage II vapor recovery controls, is in violation of Ohio Administrative Code Rule 3745-31-02(A)(1) and Ohio Revised Code (ORC) Sections 3704-05(F) and (G), in that you failed to first obtain authority to operate the GDF through the issuance of a permit-to-install/operate (PTIO). You have been in violation of the aforementioned regulations since you took ownership of the GDF in 2012.

Please note that in lieu of obtaining a PTIO, a facility 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): GDFs with Stage I and Stage II vapor recovery controls PBR. PBR information and a PBR notification form are included with this letter.

An additional violation discovered during the inspection is the failure to attend Stage II training. The GDF owner is required to attend and complete the training under OAC Rule 3745-21-09(DDD)(3)(a)(vi).



Unless you undertake some type of corrective action with respect to the above noted violations, either by submitting a PTIO application or PBR notification form, and submitting proof of the training's completion, you will remain in non-compliance. CDAQ requests that you submit a PTIO application or PBR notification form to the following address:

Permitting Section  
Cleveland Division of Air Quality  
75 Erieview Plz., Fl. 2  
Cleveland, OH 44114-1839

CDAQ requests that you submit proof of Stage II training to the following enforcement representative:

David Wagner  
Cleveland Division of Air Quality  
75 Erieview Plz., Fl. 2  
Cleveland, OH 44114-1839

CDAQ must receive the PTIO application or PBR notification form and proof of Stage II training within 30 days of your receipt of this letter. If there is insufficient time to correct the alleged within this timeframe, your response must include a timeline for correcting the alleged violations.

The appropriate PBR notification form is included with this letter. If you choose to submit a PTIO application, it can be downloaded from the following website: <http://www.epa.ohio.gov/dapc/permits/permits.aspx>. 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.

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. The eBusiness Center contains no provision for completing a PBR notification. The PBR notification must be submitted by mail or hand delivery.

Violations of Ohio air pollution laws and /or permit terms and conditions are subject to the penalties stipulated in ORC Section 3704.99(A), which allows fines of not more than \$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.



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. If you have any questions, please call David Wagner at 216/664-3004. All correspondence with CDAQ regarding this GDF must include its Ohio EPA facility identification number: 13-18-18-6788.

Sincerely,

A handwritten signature in black ink that reads "Valencia White".

Valencia White  
Chief of Enforcement, CDAQ

VW/dlw

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.: PBR notification form