



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 7011 3500 0000 1759 8669
RETURN RECEIPT REQUESTED**

July 2, 2013

Adnan Wahdan
AAN Gas, Inc.
Warrensville Marathon
5012 Warrensville Center Road
Maple Heights, OH 44137

NON-HIGH PRIORITY FACILITY

FACILITY ID: 13-18-37-7127

NOTICE OF VIOLATION: Failure to Successfully Pass Stage II Testing

Dear Mr. Wahdan:

On June 20, 2013, the Cleveland Division of Air Quality (CDAQ) inspected Warrensville Marathon located at 5012 Warrensville Center Road in Maple Heights. This letter serves as notification that you are operating sources in violation of the following applicable air statutes, air regulations, or air permit conditions.

Warrensville Marathon is operating emissions unit, G001: Gasoline Dispensing Facility with Stage I and 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 successfully passed. On June 20, 2013, the Static Leak (SL) and Dynamic Pressure (DP) tests failed due to a broken spill bucket lid inside of the premium gasoline underground storage tank (UST). This is also a violation of Ohio Revised Code section 3704.05(G).

You are expected to make the necessary repairs to the Stage II vapor recovery system and pass the SL and DP tests or you will remain in non-compliance. CDAQ requests that Warrensville Marathon schedule and retest the SL and DP tests, and submit the test results within thirty (30) days, to the following enforcement representative:

Roman Fedorko
Cleveland Division of Air Quality
75 Erievue 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.

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 Ohio EPA Office of Compliance Assistance and Pollution Prevention (OCAPP). OCAPP can be contacted at <http://www.epa.state.oh.us/ocapp> or (614) 644-3469 or (800) 329-7518. CDAQ makes no guarantee that the facility will meet the qualifying guidelines established by the OCAPP.

Facilities that want to investigate methods of pollution prevention to reduce raw material usage and waste production can contact the Ohio EPA Office of Compliance Assistance and Pollution Prevention (OCAPP). OCAPP can be contacted at <http://www.epa.state.oh.us/ocapp> or (614) 644-3469 or (800) 329-7518 and 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 Roman Fedorko at (216)664-4794. All correspondence with CDAQ must include the Ohio EPA facility identification number for Warrensville Marathon: 13-18-37-7127.

Sincerely,

Valencia White
Chief of Enforcement, CDAQ

VW/rf

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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