



City of Cleveland
Frank G. Jackson, Mayor

Department of Public Health
Division of Air Quality
75 Erieview Plaza, Suite 200
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 7009 3410 0002 1933 8226
RETURN RECEIPT REQUESTED**

April 6, 2010

Joseph Price
Midwest Marathon
5790 State Road
Parma, OH 44134

FACILITY ID: 13-18-45-7545

**NOTICE OF VIOLATION/ NOTICE OF VIOLATION FOLLOW-UP LETTER:
FAILING STAGE II TESTING**

Dear Mr. Price:

On March 23, 2010, the Cleveland Division of Air Quality (CDAQ) witnessed Stage II testing at Midwest Marathon. This letter serves as notification that you operated sources in violation of the following applicable air statutes, air regulations, or air permit conditions.

Midwest Marathon is in violation of Ohio Administrative Code (OAC) Rule 3745-21-09(DDD)(1)(c) which states that no owner or operator of a gasoline dispensing facility (GDF) may cause, allow, or permit the transfer of gasoline from a stationary tank at a GDF into a motor vehicle unless the vapor control system successfully passes the testing requirements contained in OAC Rule 3745-21-09(DDD)(2).

Midwest Marathon conducted Stage II testing on March 23, 2010, at which time the Static Leak (SL) and Dynamic Pressure (Blockage) tests passed. The Air-to-Liquid (A/L) Ratio test passed on dispensers #1, #3, #4, #5, #6, #7, and #8. The A/L Ratio test failed on dispenser #2.

Midwest Marathon conducted a re-test of the A/L Ratio on dispenser #2 on March 26, 2010. The A/L Ratio test passed on dispenser #2.

Appropriate steps were taken to bring the source 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 and 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 Megan Murphy at 216-664-4258. All correspondence with CDAQ must include the Ohio EPA facility identification number for Midwest Marathon: 13-18-45-7545.

Sincerely,

Linda Krimmy for G.B.

George Baker
Chief of Enforcement, CDAQ

GB/MM

cc: Michael J. Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
Lisa Holscher, U.S. EPA Region V
Facility File and L:\Data\Facilities\1318457545\2010-3-23 NOV_NOV Follow up.doc

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- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Joseph Price
Midwest Marathon
5790 State Rd.
Parma, OH 44134

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A. Signature

X *[Handwritten Signature]*

- Agent
 Addressee

B. Received by (Printed Name)

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