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Article Addressed to:

Mark Mustata

12808 Bellair Road
Cleveland, Ohio 44111

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
[Signature] Addressee

B. Received by (Printed Name) C. Date of Delivery
[Signature] 1-6-86

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 Certified Mail Express Mail
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 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

Article Number 7003 1010 0004 2923 4543 13-18-00-6875
(Transfer from st)



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: 216/420-5047
www.clevelandhealth.org

SERVING OHIO EPA AS AGENCY 13
FOR CUYAHOGA COUNTY

CERTIFIED MAIL: 7003 1010 0004 2923 4543
RETURN RECEIPT REQUESTED

December 30, 2009

Mr. Mark Mustafa
Denison Gas USA
12808 Bellaire Road
Cleveland, Ohio 44111

NON-HPV

FACILITY ID: 13-18-00-6895

NOTICE OF VIOLATION : Failing annual Stage II compliance test, and failure to obtain a 2009 city permit

Dear Mr. Mustafa:

On December 15, 2009, the Cleveland Division of Air Quality (CDAQ) inspected and witnessed the annual Stage II compliance test at Denison Gas USA located at 6501 Denison Avenue in Cleveland. This letter serves as notification that you are operating sources in violation of the following applicable air statutes, air regulations, or air permit conditions.

On December 15, 2009, Denison Gas USA failed an Air-to-Liquid (A/L) ratio test on dispenser #1, for all three grades of gasoline. The failure to successfully pass the testing requirements in Ohio Administrative Code (OAC) Rule 3745-21-09 (DDD)(2) for dispenser #1 while causing, allowing or permitting the transfer of gasoline from a stationary storage tank into a motor vehicle is a violation of Ohio Revised Code (ORC) Section 3704.05 (G) and OAC Rule 3745-21-09 (DDD)(1)(c).

In addition, Denison Gas USA is in violation of the City of Cleveland's Codified Ordinance Chapters 259.01, and 263.01 for failing to obtain a 2009 city permit by submitting city permit fees.

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that Denison Gas USA make the necessary repairs on dispenser #1, then re-test the A/L ratio and submit the December 15, 2009, test results, and the re-test test results within thirty (30) days from their respective test dates as stipulated in OAC Rule 3745-21-09(DDD)(2)(c) to the following enforcement representative:



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

CDAQ also requests that Denison Gas USA obtain a 2009 city permit by submitting city permit fees to CDAQ at the following address:

City Permit Fee Invoices
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 be received within thirty (30) days that includes a timeline for correcting the alleged violations.

Failing a required test in two consecutive years subjects your facility to the Ohio EPA's Enforcement Policy for Gasoline Dispensing Facilities. This issue will be addressed in a separate correspondence.

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 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. 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. Should you have any questions, please call Bryan Sokolowski at 216-420-7663. All correspondence with CDAQ must include the Ohio EPA facility identification number for Denison Gas USA: 13-18-00-6895.

Sincerely,

Linda Kimmy for G.B.
George Baker
Chief of Enforcement



GB/BS

cc:

John Paulian, Ohio EPA Central Office
Lisa Holscher, U.S. EPA Region V
Facility File and L:\Data\Facilities\1318006895\2009-12-15 NOV.doc

SENDER: COMPLETE THIS SECTION

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1. Article Addressed to:

Mark Mustafa
 12808 Bellair Road
 Cleveland, Ohio 44111

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee
[Handwritten Signature]

B. Received by (Printed Name) C. Date of Delivery
3-1-08

D. Is delivery address different from item 1? Yes
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3. Service Type
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4. Restricted Delivery? (Extra Fee) Yes

2. Article Number ... 7009 3410 0002 1933 7908 13-13-00-6895
 (Transfer from si)