



City of Cleveland
Frank G. Jackson, Mayor

Department of Public Health
Division of Air Quality
75 Erievue 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 1934 1103
RETURN RECEIPT REQUESTED**

December 8, 2010

Sayed Mustafa
Hanini Petroleum
13900 Kinsman Road
Cleveland, OH 44120

NON-HPV

FACILITY ID: 13-18-00-6924

SECOND NOTICE OF VIOLATION: Failing Annual Stage II air-to-liquid testing on 10/13/2010 (dispenser #3); Failure to conspicuously post "No Topping Off" instructions

Dear Mr. Mustafa:

On October 18, 2010, the Cleveland Division of Air Quality (CDAQ) issued a Notice of Violation (NOV) to Hanini Petroleum located at 13900 Kinsman Road in Cleveland. To date, CDAQ has not received an adequate response to the violations indicated in the NOV. This letter serves as notification that you are still operating sources in violation of the following applicable air statutes, air regulations, or air permit conditions.

Hanini Petroleum conducted annual Stage II testing on October 13, 2010. During this time, the Stage II static leak test, as stipulated in Ohio Administrative Code (OAC) Rule 3745-21-09 (DDD)(2), was not conducted due to the selling of gasoline during the applicable testing event. As such, the required static leak test will need to be conducted. Additionally, the Air-to-Liquid (A/L) Ratio was tested and failed for regular, mid-grade, and premium gasoline on dispenser #3.

Please note that the failure to successfully pass the testing requirements in OAC Rule 3745-21-09 (DDD)(2) while causing, allowing or permitting the transfer of gasoline from a stationary storage tank into a motor vehicle are violations of Ohio Revised Code (ORC) Section 3704.05(G) and OAC Rule 3745-21-09 (DDD)(1)(b) and (c).

Furthermore, Hanini Petroleum's operation of its gasoline dispensing facility is in violation of OAC Rule 3745-21-09(DDD)(1)(d), OAC Rule 3745-31-03(A)(4)(i)(iii), and ORC Chapter 3704.05(G), in that instructions for the vapor control system in each gasoline dispensing area were not conspicuously posted. The operating instructions shall specifically prohibit the "topping off" of the motor vehicle fuel tank.



Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that Hanini Petroleum make the necessary repairs; conduct applicable static leak testing; and, conduct a re-test of the A/L Ratio test on dispenser #3 within fourteen (14) days of receipt of this letter.

In addition, Hanini Petroleum is also required to submit all test results within thirty (30) days of testing, to the following enforcement representative:

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

Moreover, appropriate operating instructions for your gasoline dispensers, including the prohibition of "topping off" of the motor vehicle tank, shall be posted on each gasoline dispenser at your facility within fourteen (14) days of 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 within fourteen (14) days of receipt of this letter and shall be submitted to the enforcement representative listed above.

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.

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 Hanini Petroleum: 13-18-00-6924.

Sincerely,

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

GB/vls

cc: Michael J. Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
William MacDowell, U.S. EPA Region V
Facility File and L:\Data\Facilities\1318006924\2010-10-13 2nd NOV.doc

SENDER: COMPLETE THIS SECTION

- 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:

HANINI Petroleum
 Attn: Sayed Mustafa
 13900 Kinsman Rd
 Cleveland, OH 44120

COMPLETE THIS SECTION ON DELIVERY

- A. Signature Agent
 Martha Bragg Address
- B. Received by (Printed Name) Agent
 Martha Bragg Address
- C. Date of Delivery Agent
 12.11 Address
- D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
- Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

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