



City of Cleveland
Frank G. Jackson, Mayor

Department of Public Health
Division of Air Quality
75 Erievew Plaza, Suite 200
Cleveland, Ohio 44114-1839
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www.clevelandhealth.org

SERVING OHIO EPA AS AGENCY 13
FOR CUYAHOGA COUNTY

CERTIFIED MAIL: 7003 1010 0004 2923 4505
RETURN RECEIPT REQUESTED

December 17, 2009

Mrs. Gale Potocar
Marathon Broadway
14218 Broadway Avenue
Garfield Heights, Ohio 44125

NON-HPV

FACILITY ID: 13-18-22-6965

NOTICE OF VIOLATION : Failing annual Stage II compliance test

Dear Mrs. Potocar:

On November 25, 2009, the Cleveland Division of Air Quality (CDAQ) inspected and witnessed the annual Stage II compliance test at Marathon Broadway located at 14218 Broadway Avenue in Garfield 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.

On November 25, 2009, Marathon Broadway failed an Air-to-Liquid (A/L) ratio test on dispensers #2, #3, and #4 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 dispensers #2, #3, and #4 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)(c).

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that Marathon Broadway make the necessary repairs on dispensers #2, #3, and #4, then re-test the A/L ratio and submit the November 25, 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 Erievew 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.

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 Marathon Broadway: 13-18-22-6965.

Sincerely,

George Baker
Chief of Enforcement

GB/BS

cc:

Richard Nemeth and Michael J. Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
Lisa Holscher, U.S. EPA Region V
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