



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 1933 8592  
RETURN RECEIPT REQUESTED

May 12, 2010

Mohammad Rahman  
Mike Zayed  
Gas USA  
4561 East 131<sup>st</sup> Street  
Garfield Heights, OH 44105

NON-HPV

FACILITY ID: 13-18-22-8355  
NOTICE OF VIOLATION: Failing Stage II testing

Dear Messrs. Zayed and Rahmad:

On May 10, 2010, the Cleveland Division of Air Quality (CDAQ) inspected Gas USA located at 4561 East 131<sup>st</sup> Street 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.

Gas USA failed a Dynamic Pressure (Blockage) test on dispensers #5 and #6 on May 10, 2010. The Air-to-Liquid Ratio (A/L) also failed on dispenser #4. The failure to successfully pass the testing requirements in Ohio Administrative Code (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).

The Static Leak (SL) and The Air-to-Liquid (A/L) Ratio tests passed on dispensers #1, #2, #3, #5, and #6 on May 10, 2010.

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that Gas USA make the necessary repairs, then conduct a re-test of the blockage on dispensers #5 and #6 and the A/L Ratio test on dispenser #4 and submit the test results within thirty (30) days to the following enforcement representative:

Megan Murphy  
Cleveland Division of Air Quality  
75 Erievue Plaza 2<sup>nd</sup> Floor  
Cleveland, Ohio 44114-1839



If there is insufficient time to correct the alleged violations within this timeframe, a written response which includes a timeline for correcting the alleged violations must be received within thirty (30) days of receipt of this letter.

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 Megan Murphy at 216-664-4258. All correspondence with CDAQ must include the Ohio EPA facility identification number for Gas USA: 13-18-22-8355.

Sincerely,

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

GB/mm

cc: Michael J. Krzywicki, CDAQ  
John Paulian, Ohio EPA Central Office  
Lisa Holscher, U.S. EPA Region V  
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