



City of Cleveland  
Frank G. Jackson, Mayor

Department of Public Health  
Division of Air Quality  
75 Erieview Plaza, Second Floor  
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 1691  
RETURN RECEIPT REQUESTED**

July 11, 2011

Jim Lucas  
Lucas Enterprises, Inc.  
14005 Madison Avenue  
Lakewood, Ohio, 44107

**FACILITY ID: 13-18-28-6223**  
**Notice of Violation: Failure to perform 2010 Stage II Testing**

Dear Mr. Lucas:

On June 28, 2011, the Cleveland Division of Air Quality (CDAQ) inspected Lucas Enterprises, Inc. located at 14005 Madison Avenue in Lakewood. This letter serves as notification that you are operating sources in violation of the following applicable air statutes, air regulations, or air permit conditions.

CDAQ has determined that Lucas Enterprises, Inc. failed to perform an Air-to-Liquid (A/L) Ratio test, and a Static Leak test as stipulated in Ohio Administrative Code (OAC) Rule 3745-21-09(DDD)(2). This is a violation of permit-to-install 13-04419, Ohio Administrative Code Rule 3745-31-05(A)(3) and 3745-21-09(DDD)(2), and Ohio Revised Code Section 3704.05(C) and (G). Lucas Enterprises Inc. has been in violation since September 2, 2010, and will remain in violation until the station has passed A/L Ratio and Static Leak tests.

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that Lucas Enterprise Inc. perform an A/L Ratio, and Static Leak test, and submit the test results within thirty (30) days from the test date 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 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 must be received within thirty (30) days that includes a timeline for correcting the alleged violation.

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 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 the OCAPP.

Facilities that want to investigate methods of pollution prevention to reduce raw material usage and waste production can contact 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 and there is no charge for their services.

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 Lucas Enterprises, Inc: 13-18-28-6223.

Sincerely,

A handwritten signature in cursive script that reads "Linda Kimmy".

Linda Kimmy  
Field Enforcement Manager

LK/BS

cc: George P. Baker, CDAQ  
Michael J. Krzywicki, CDAQ  
John Paulian, Ohio EPA Central Office  
William MacDowell, U.S. EPA Region V  
Facility File and L:\Data\Facilities\1318286223\2011-6-28 NOV.docx



Cleveland Division of Air Quality  
GDF Inspection Report

Form Revised: 11/09/2010



DAPC - APPENDIX N (GDF)

Date of Inspection: 6-28-2011  
 Facility: Lucas Enterprises (Lucas Auto Center)  
 Contact: Jim Lucas/Owner  
 Address: 14005 Madison Avenue Lakewood, Ohio, 44107  
 Mailing Address: Same as above

Inspector: Bryan Sokolowski  
 Premise Number: 13-18-28-6223  
 Phone: (216) 521-3017

Pre-inspection: PTI: 13-04419 CARB Executive Order: G-70-153-AD  
 PTO Issue Date: N/A Exp. Date: N/A Application Rec'd or PBR Date: 1-16-2009  
 Type/Brand Stage II system: Wayne Test Results on File: Yes  No   
 Past Tests Results A/L: 9-2-2009 SL: 9-2-2009 DP: 9-25-2008  
 Recordkeeping:  Gasoline Deliveries  Required maintenance per Executive Order  
 (3 years onsite)  S II Post Test Inspection Forms  PTO & App  S II Compliance Specialist

INSPECTION ITEMS: (Describe defects identified in table in Findings/Conclusions section)

Pump / nozzle number:	1	2	3	4	5	6	7	8	9									
Fueling instructions / No topping off and Ethanol Notifications:	✓	✓	✓	✓	✓	✓	✓	✓	✓									
Nozzle spout not twisted, flattened, cracked, or vapor holes obstructed:																		
Nozzle not leaking:										Diesel								
Breakaway present:																		
Hose not crimped, severed, or flattened:																		
Equipment CARB certified:																		
Vapor shroud present, if required:																		
Other (specify below):																		

Test Results: SL: Pass  Fail  N/T  A/L: Pass  Fail  N/T  DP: Pass  Fail  N/T   
 Test Conducted By: N/A Test Company: U.S. Tank Alliance

Inspector's Findings/Conclusions:  
Facility will receive NOV for failing to test every 12 months, and will be required to test.

Next Action:  
 Violations discovered (see above): Revisit in 30 days NOV  LOW   
 No Violations Discovered (No Action Required)

Bryan Sokolowski 7-11-2011 Linda Kimmy 7/12/2011  
 Signature of Inspector Date Report Reviewed By Date