



City of Cleveland  
Frank G. Jackson, Mayor

Department of Public Health  
Division of Air Quality  
75 Erievue Plaza, Suite 200  
Cleveland, Ohio 44114-1839  
216/864-2297 • Fax: 216/420-8047  
www.clevelandhealth.org

**SERVING OHIO EPA AS AGENCY 13  
FOR CUYAHOGA COUNTY**

**CERTIFIED MAIL 7003 1010 0004 2923 5113  
RETURN RECEIPT REQUESTED**

6/8/11

Mike Reid  
Walton Hills Marathon  
17975 Alexander Rd.  
Walton Hills, OH 44146

**FACILITY ID: 13-18-58-6265  
NOTICE OF VIOLATION: Failure to pass Stage II Testing**

Dear Mr. Reid:

On 5/31/11, the Cleveland Division of Air Quality (CDAQ) inspected Walton Hills Marathon located at 17975 Alexander Rd. in Walton Hills. 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 witnessed Static Leak (SL) and Air to Liquid Ratio (A/L) testing on 5/31/11. The SL test passed, however dispenser #1 failed the A/L test for mid-grade unleaded.

The failure to successfully pass the testing requirements specified 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 is a violation of Ohio Revised Code 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 Walton Hills Marathon complete necessary repairs, then conduct a re-test of the A/L Ratio test on dispenser #1. Also, submit the current test results to the following enforcement representative within thirty (30) days of receipt of this letter.

Dave DeChant  
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, submit a written response which includes a timeline for correcting the alleged violations 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 Dave DeChant at 216-664-3213. All correspondence with CDAQ must include the Ohio EPA facility identification number for Walton Hills Marathon: 13-18-58-6265.

Sincerely,

Linda Kimmy  
Field Enforcement Manager

LK/dd

cc: George P. Baker, CDAQ  
Michael J. Krzywicki, CDAQ  
John Paulian, Ohio EPA Central Office  
William MacDowell, U.S. EPA Region V  
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