



City of Cleveland
Frank G. Jackson, Mayor

Department of Public Health
Division of Air Quality
1925 St. Clair Avenue
Cleveland, Ohio 44114-2080
216/664-2297 • Fax: 216/420-8047
www.clevelandhealth.org

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

**CERTIFIED MAIL 7002 0510 0002 2427 6709
RETURN RECEIPT REQUESTED**

May 9, 2007

Jon Wesolowski
BP Products North America, Incorporated No. 22435
20429 Colleen Court
Strongsville, Ohio 44149

**FACILITY ID: 1318597033
NOTICE OF VIOLATION FOLLOW-UP LETTER**

Dear Mr. Wesolowski:

On April 27, 2007, the Cleveland Division of Air Quality (CDAQ) issued a Notice of Violation to BP Products North America, Incorporated No. 22435 for failure to conduct a Dynamic Pressure test, an Air-to-Liquid Ratio test, and a Static Leak test. CDAQ is in receipt of the required test results on 05/08/2007.

The corrective action plan was received and appropriate steps were taken to bring the source into compliance. CDAQ has determined that no further enforcement action is warranted at this time, but reserves its right to take such action in the future if necessary.

CDAQ issues this letter with Ohio EPA's concurrence and 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 Mike Samec at 216-420-7682. All correspondence with CDAQ must include the Ohio EPA facility identification number for BP Products North America, Incorporated No. 22435: 1318597033.

Sincerely,

A handwritten signature in black ink that reads "Valencio White for GB".

George Baker
Chief of Enforcement, CDAQ

GB/ms

cc: Richard Nemeth and Michael J. Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
Facility File and L:\Data\Facilities\1318597033\2007-05-08 NEAR.doc

May 14, 2007

Mike Samec
Cleveland Division of Air Quality
1925 St. Clair Ave. NE
Cleveland, OH 44114-2080

1318597033



Re: NOV – Failure to conduct Stage II tests at station 22435

Dear Mike Samec;

The compliance testing for BP Site 22435 located at 4591 Richmond Road, Warrensville Heights, OH 44128 was due April 3, 2007. The initial Stage II tests were attempted on March 8, 2007. The pressure decay failed due to the premium drop tube. The blockage failed due to issues with the drop out tank. Finally, the air to liquid ratio failed on dispensers #4 and #8. T&U Services was onsite for the initial tests/failures. T&U Services made repairs on March 16, 2007; therefore, the retest was completed on April 4, 2007. The drop out tank was still having issues, causing this retest to fail. BP maintenance sent Empaco Equipment Corp. to work on the drop out tank/pumping issue and completed repairs on May 7, 2007 after working on the situation since April 6, 2007. The second retest was attempted on April 19th, again failing the pressure decay due to the drop out tank not pumping correctly. Additional work was completed on the drop out tank/pump issue. The pump was draining the tank of six gallons in 20 minutes so an additional retest was completed on April 25th with BP's technician, Dan Plevny onsite during testing. The witnessed test still failed due to the drop tank not being emptied fast enough. Empaco revisited the site, further cleaning the pump head and continued to run tests. The pump continuously was able to pump six gallons from the drop out tank within 15 to 20 minutes. The final retest was completed and passed all three Stage II tests on May 8th.

During this period of Stage II issues, BP continued to make all necessary repairs to insure that this station was in compliance. After each repair was made, the drop out tank/pumping abilities were tested and believed to be in compliance before any additional retests were scheduled with Cleveland Air Quality. Unfortunately, there were some misunderstandings to the actual pump out rate required of the pump/drop out tank. Once BP had a complete understanding to the required pump out rate of the drop out tank, the system was further addressed and BP was assured that the pump/drop out tank was in compliance with regulations, there after passed all required testing.

BP's maintenance and compliance departments have a complete understanding of the requirements of the pumping capabilities required for drop out tanks and will continue to work in manner to keep this station in compliance going forward.

May 14, 2007
Mike Samec
Cleveland Division Air Quality
22435 Stage II NOV

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If you need any further information or explanation please let me know. I may be reached at 614-755-4496 (office) or 614-506-8201 (cell phone).

Sincerely,

A handwritten signature in cursive script that reads "Denise M. Lees".

Denise M. Lees
Environmental Compliance Specialist
BP Products North America, Inc.