



City of Cleveland  
Frank G. Jackson, Mayor

Department of Public Health  
Division of Air Quality  
75 Erievue Plaza, Suite 200  
Cleveland, Ohio 44114-1839  
216/654-2297 • Fax: 216/420-8047  
www.clevelandhealth.org

SERVING OHIO EPA AS AGENCY 13  
FOR CUYAHOGA COUNTY

CERTIFIED MAIL : 7003 1010 0004 2923 7025  
RETURN RECEIPT REQUESTED

February 8, 2011

Cheryl Anderson  
Lehigh Gas #289  
1425 Mountain Drive North  
Bethlehem, PA 18015

NON-HPV

FACILITY ID: 13-18-61-8323

NOTICE OF VIOLATION : Failing annual Stage II compliance test.

Dear Mrs. Anderson:

On February 3, 2011, the Cleveland Division of Air Quality (CDAQ) witnessed the annual Stage II compliance test at Lehigh Gas #289 located at 30812 Detroit Road in Westlake. 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 February 3, 2011, BP Station #289 failed a Static Leak test. The failure to successfully pass the testing requirements in Ohio Administrative Code (OAC) Rule 3745-21-09 (DDD)(2) for dispenser #4 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 (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 Lehigh Gas #289 make the necessary repairs, then re-test the Static Leak Test and submit the February 3, 2011, 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 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 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.

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 Lehigh Gas #289: 13-18-61-8323.

Sincerely,



Lindy Kimmy  
Field Enforcement Manager, CDAQ

LK/BS

cc: Station Manager, Lehigh Gas #289  
John Paulian, Ohio EPA Central Office  
William MacDowell, U.S. EPA Region V  
Facility File and L:\Data\Facilities\1318618323\2011-2-3 NOV.doc

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Cheryl Anderson  
Lehigh Gas #289  
1425 Mountain Drive North  
Bethlehem, PA 18015

2. Article Number  
(Transfer from se)

7003 1010 0004 2923 7049

13-18-61-8323

**COMPLETE THIS SECTION ON DELIVERY**

- A. Signature  Agent  
 Addressee  
*Kileen Watson*
- B. Received by (Printed Name)  Agent  
*Kileen Watson*  Addressee
- C. Date of Delivery  
*3/7/11*
- D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.
4. Restricted Delivery? (Extra Fee)  Yes