



State of Ohio Environmental Protection Agency

Northeast District Office

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Twinsburg, Ohio 44087

TELE: (330) 963-1200 FAX: (330) 487-0769
www.epa.state.oh.us

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

September 4, 2009

RE: NOTICE OF VIOLATION
FAILED ANNUAL STAGE II TEST
CLARK #1163
DAPC FACILITY ID #0247080891

CERTIFIED MAIL

Imran Nazir
Clark #1163
2425 North Ridge Road
Lorain, OH 44055

Dear Mr. Nazir:

The annual Stage II compliance test conducted at Clark #1163, located at 2850 Grove Avenue in Lorain, Ohio 44055 on March 12, 2009, April 6, 2009, and June 8, 2009, failed to demonstrate compliance with Ohio Administrative Code (OAC) Rule 3745-21-09(DDD).

2009 Testing

On March 12, 2009, testing was attempted, but there were too many leaks to be able to pass the static leak test or attempt to pass the A/L tests. Hoses were replaced on pump #1 (regular), pump #3 (regular), and pump #3 (premium) as they were dry rotted. Breakaways were replaced on pump #1 (regular and plus) as they appeared to be leaking. Drop tubes appeared to be leaking and could not be repaired at that time

On April 4, 2009, testing was attempted and the static leak passed, but the A/Ls still failed for pumps 1, 3, and 4. It was also noted by the inspector on this date that daily Stage II inspection records were not being maintained in violation of OAC Rule 3745-21-09(DDD). **Please be sure to maintain these records and have them available during the next test.**

The proof of attendance and completion of the training required by the Ohio EPA for the operator or local manager of the gasoline dispensing facility was not available. I have enclosed a copy of the Rule that is applicable to gasoline dispensing facilities as well as a list of testing companies. Some of these companies conduct the Stage II training. **We will expect that the training be completed prior to your next Stage II test.**

On June 8, 2009, testing was again attempted and the A/L for pump 1 did not pass.

CLARK #1163
MR. NAZIR
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Because of the length of time between retests, failure to perform preventative maintenance, and failure to pass the A/L tests, please schedule and have performed static leak and A/L testing for the entire system **within thirty (30) days of your receipt of this letter.**

2007 and 2008 testing

This office has no record of testing being performed for 2007 or 2008. Failure to perform the annual testing also constitutes a violation of OAC Rule 3745-21-09(DDD).

Fulfilling the above requests does not constitute a waiver of Ohio EPA's authority to seek civil penalties as provided in ORC 3704.06. Ohio EPA will decide whether to pursue or decline to pursue penalties regarding this matter at a later date.

Based on the above testing failures, an enforcement action request is being sent to the Central Office of Ohio EPA.

If you have any questions regarding this letter, please do not hesitate to contact me at (330) 963-1270.

Sincerely,



Tim Fischer
Environmental Supervisor
Division of Air Pollution Control

TF:bo

enclosure: OAC Rule 3745-21-09(DDD)
List of Stage II testing companies

pc: Tom Kalman, DAPC, CO
Lisa Holscher, USEPA, Region V