



**Environmental
Protection Agency**

Ted Strickland, Governor
Lee Fisher, Lt. Governor
Chris Korieski, Director

December 1, 2010

RE: NOTICE OF VIOLATION
ANNUAL STAGE II COMPLIANCE TEST
NORTH RIDGE MARATHON
DAPC FACILITY ID 0247080642

CERTIFIED MAIL

Sharief Bedros
North Ridge Marathon
5411 Pearl Ave
Lorain, OH 44052

Dear Mr. Bedros:

The annual Stage II compliance demonstration conducted at North Ridge Marathon located at 5411 Pearl Ave, Ohio on February 2, April 22, May 27, July 14, August 4, and October 29, 2010, demonstrated compliance with the requirements of Ohio Administrative Code (OAC) Rule 3745-21-09(DDD).

The next annual Stage II compliance test is due in October 2011.

Summary of testing violations

Testing was due to be completed in March 2009.

On March 11, 2009, testing was attempted, but the testing company's equipment malfunctioned.

On April 9, 2009, testing was attempted, but failed the A/L ratio test for dispensers nos. 5, 6, & 7.

In June of 2009, the current owner of the station assumed control of the operation of the facility.

On February 2, 2010, testing was attempted, but could not be performed because pretesting had shown that dispensers nos. 4, 5, & 6 failed and had not yet been repaired.

On April 22, 2010, testing was attempted, but despite changing several parts, the system had too many leaks to pass either the Static Leak or A/L test.

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On May 27, 2010, testing was attempted, but could not pass the Static Leak test or the A/L test for dispensers nos. 4, 5, 6, & 8.

On July 14, 2010, testing was attempted, but leaks were found that could not be fixed on site so testing was aborted.

On August 4, 2010, testing was attempted, but leaks were found that could not be fixed on site so testing was aborted.

On October 29, 2010, testing was conducted and passed. The inspector verified that vacuum motors and other parts had been replaced.

The above testing failures constitute violations of OAC Rule 3745-21-09(DDD).

Stage II training

On March 19 2008, March 11, 2009, and February 11, April 22, and May 27, 2010, our inspectors noted that 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 in violation of OAC Rule 3745-21-09(DDD). 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. **Please schedule this training as soon as possible.**

Record keeping

On February 11 and April 22, 2010, average monthly gasoline throughput records were not available in violation of OAC Rule 3745-21-09(DDD). It appears that on May 27, 2010, these records were available. **Please be sure to maintain throughput records as required by the rule.**

On February 11 and April 22, 2010, records of maintenance activities were not available in violation of OAC Rule 3745-21-09(DDD). It appears that the station began keeping some records by May 27, 2010. **Please ensure that these records are available during the next test.**

Permit by Rule form

I have enclosed a Permit by Rule Notification form. Please complete the form and return it as per the instructions. This will replace any needed Permit-to-Install and Operate (PTIO) and will mean you no longer have to pay the biannual emission fees.

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Enforcement action

Due to the failure to complete a test in 2009 and the number of failures in 2010, this matter will be referred to the Central Office of Ohio EPA for possible enforcement action.

Issuance of this Notice of Violation 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.

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

enclosures: List of testing companies
OAC Rule 3745-21-09(DDD)
Permit by Rule form

pc: Tom Kalman, Ohio EPA – DAPC - CO
Bill MacDowell, U.S. EPA – Region