



City of Cleveland
Frank G. Jackson, Mayor

Department of Public Health
Division of Air Quality
75 Erieview Plaza, Second Floor
Cleveland, Ohio 44114-1839
216/664-2297 • Fax: 216/420-8047
www.clevelandhealth.org

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

**CERTIFIED MAIL 7010 1870 0000 6591 2748
RETURN RECEIPT REQUESTED**

11/28/11

Adnan Mansour
Marathon Kinsman #9537
12502 Kinsman Ave.
Cleveland, OH 44120

**FACILITY ID: 13-18-00-7557
NOTICE OF VIOLATION: Failure to pass Stage II Testing**

Dear Mr. Mansour:

On 11/22/11, the Cleveland Division of Air Quality (CDAQ) witnessed testing at Marathon Kinsman #9537 located at 12502 Kinsman Avenue in Cleveland. This letter serves as notification that you are operating sources in violation of the following applicable air statutes, air regulations, or air permit conditions.

Marathon Kinsman #9537 conducted a Static Leak (SL) test and Air to Liquid Ratio (A/L) testing on 11/22/11. The A/L testing was successful however the SL test failed due to a broken drop tube on the regular unleaded tank. 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 (ORC) Chapter 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 violation, you will remain in non-compliance. CDAQ requests that Marathon Kinsman #9537 complete necessary repairs, then conduct a re-test of the SL test. Submit the test results to the following enforcement representative within thirty (30) days of receipt of this letter.

Dave DeChant
Cleveland Division of Air Quality
75 Erieview Plaza 2nd Floor
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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 Marathon Kinsman #9537: 13-18-00-7557.

Sincerely,

Linda Kimmy

Linda Kimmy
Field Enforcement Manager

LK/dd

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