



City of Cleveland  
Frank G. Jackson, Mayor

Department of Public Health  
Division of Air Quality  
75 Erieview Plaza, Suite 200  
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 2830  
RETURN RECEIPT REQUESTED**

9/20/11

Sami Salem  
Gas City #1  
3074 W. 14<sup>th</sup> St.  
Cleveland, OH 44113

NON-HPV

**FACILITY ID: 13-18-00-5992**

**NOTICE OF VIOLATION: Failure to pass Stage II Testing; Failure to obtain City Permit for 2011**

Dear Mr. Salem:

On 9/7/11, the Cleveland Division of Air Quality (CDAQ) witnessed Stage II testing at Gas City #1 located at 3074 W. 14<sup>th</sup> St 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.

Gas City #1 conducted Dynamic Pressure (DP), Static Leak (SL) and Air to Liquid Ratio (A/L) testing on 9/7/11. The DP test failed at this time as did the A/L test for pump #5. 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 violations, you will remain in non-compliance. CDAQ requests that Gas City #1 complete necessary repairs, then conduct a re-test of the DP test and the A/L Ratio test for pump #5. 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 2<sup>nd</sup> Floor  
Cleveland, Ohio 44114-1839



Additionally, Gas City #1 has failed to obtain a City Permit for 2011 in violation of the City of Cleveland's Permit to Operate an Air Pollution Source (Chapters 259.01 and 263.01 of the City of Cleveland Health Code).

Unless you undertake some type of corrective action with respect to the above noted violation, you will remain in non-compliance. CDAQ requests that the Gas City #1 obtain a City Permit for 2011 by submitting the City Permit Fee to the following address:

City Permit Fee Invoices  
Cleveland Division of Air Quality  
75 Erieview Plaza 2<sup>nd</sup> Floor  
Cleveland, Ohio 44114-1839

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 Gas City #1: 13-18-00-5922.

Sincerely,

  
Linda Kimmy  
Field Enforcement Manager

LK/dd

cc: Sami Salem, 25104 Wildwood Dr., Westlake, OH 44145  
George P. Baker, CDAQ  
Michael J. Krzywicki, CDAQ  
John Paulian, Ohio EPA Central Office  
William MacDowell, U.S. EPA Region V  
Facility File and L:\Data\Facilities\1318005992\2011-9-7 NOV.docx

encl: City Permit Fee Invoice for 2011