



City of Cleveland
Frank G. Jackson, Mayor

Department of Public Health
Division of Air Quality
75 Erievue Plaza, Suite 200
Cleveland, Ohio 44114-1839
216/664-2297 • Fax: 216/420-8047
www.clevelandhealth.org

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

**CERTIFIED MAIL 7003 1010 0002 1934 2179
RETURN RECEIPT REQUESTED**

January 10, 2011

Tom Durica
Durica's Sunoco
2039 Broadview Road
Cleveland, Ohio

NON-HPV

**FACILITY ID: 1318006171
NOTICE OF VIOLATION / NOTICE OF VIOLATION FOLLOW-UP LETTER:
Failing annual Stage II testing**

Dear Mr. Durica:

The Cleveland Division of Air Quality (CDAQ) is issuing this letter regarding Durica's Sunoco located at 2039 Broadview Road in Cleveland, Ohio. This letter serves as notification that you operated sources in violation of the following applicable air statutes, air regulations, or air permit conditions.

On December 28, 2010, Durica's Sunoco Gasoline Dispensing Facility (GDF) failed an Air-to-Liquid Test on pump #6. 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, was a violation of OAC Rule 3745-21-09(DDD)(1)(c) and Ohio Revised Code (ORC) Chapter 3704.05(G).

An Air-to-Liquid Ratio retest was performed and passed on January 4, 2011.

The corrective action plan was received in a timely manner and appropriate steps were taken to bring the source into compliance. CDAQ has determined that no further enforcement action is warranted at this time, but reserves its right to take such action in the future if necessary.

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



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 Mike Samec at (216) 420-7682. All correspondence with CDAQ must include the Ohio EPA facility identification number for Durica's Sunoco: 1318006171.

Sincerely,

Linda Kimmy for G.B.

George Baker
Chief of Enforcement

GB/ms

cc: Michael J. Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
William MacDowell, U.S. EPA Region V
Facility File and L:\Data\Facilities\1318006171\2010-12-28 NOV+NEAR.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:

WONKA SUNOCO
 2039 Broadway
 Cde. O. 44109
 006171

2. Article Number

(Transfer from service label)

7009 3410 0002 1934 2162

COMPLETE THIS SECTION ON DELIVERY

A. Signature:  Agent
 Addressee

B. Received by (Printed Name) _____ C. Date of Delivery: 1-12-11

D. Is delivery address different from item 1? Yes
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 Certified Mail Express Mail
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