



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: 216/420-8017
www.clevelandhealth.org

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

**CERTIFIED MAIL 7003 1010 0004 2923 5663
RETURN RECEIPT REQUESTED**

August 16, 2010

Naser Jaber
Marathon Food Center
7310 Broadway Avenue
Cleveland, OH 44129

FACILITY ID: 13-18-00-6844

NOTICE OF VIOLATION: Failure to pass annual Air-to-Liquid Ratio test and failure to submit Stage II test results

Dear Mr. Jaber:

On August 12, 2010, the Cleveland Division of Air Quality (CDAQ) inspected Marathon Food Center located at 7310 Broadway 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.

CDAQ has determined that Marathon Food Center failed to pass an Air-to-Liquid Ratio test as stipulated in Ohio Administrative Code (OAC) Rule 3745-21-09(DDD)(2)(f). Pumps #7 and #8 failed the Air-to-Liquid Ratio test on October 14, 2009 and were never re-tested. This is a violation of OAC Rule 3745-21-09(DDD)(1)(c) and Ohio Revised Code Section 3704.05(G). Marathon Food Center also failed to submit the October 14, 2009 Stage II test results to the appropriate Ohio EPA office as stipulated in OAC Rule 3745-21-09(DDD)(2)(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 Marathon Food Center conduct the required Air-to-Liquid Ratio test on pumps #7 and #8 and submit the results within thirty (30) days of receipt of this letter to the following enforcement representative:

Andrew Marantides
Cleveland Division of Air Quality
75 Erieview Plaza 2nd Floor
Cleveland, Ohio 44114-1839



If there is insufficient time to correct the alleged violations within this timeframe, your response must include a timeline for correcting the alleged violations.

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 Andrew Marantides at (216) 420-8049. All correspondence with CDAQ must include the Ohio EPA facility identification number for Marathon Food Center: 13-18-00-6844.

Sincerely,

Linda Kimmy for G.B.

George Baker
Chief of Enforcement

GB/AM

cc: Michael J. Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
Lisa Holscher, U. S. EPA Region V
Facility File and L:\Data\Facilities\1318006844\2010-8-12 NOV.docx

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 4. 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:

Naser Jaber ¹⁰⁻⁶⁰⁻²⁰¹⁴
 Marathon Food Center
 7310 Broadway Avenue
 Cleveland, OH 44129

2. Article Number

(Transfer from service label)

7003 1010 0004 2923 5663

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Naser JABER Agent
 Address

B. Received by (Printed Name)

C. Date of Delivery

[Signature] 8/18/14

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

- Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

 Yes