



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 7003 1010 0004 2923 5052
RETURN RECEIPT REQUESTED**

6/1/11

Ernest LaManna, Jr.
West Park Shell
13960 Lorain Ave.
Cleveland, OH 44111

NON-HPV

FACILITY ID: 13-18-00-6857

NOTICE OF VIOLATION: Failure to use California Air Resources Board (CARB) certified components

Dear Mr. LaManna:

On 5/25/11, the Cleveland Division of Air Quality (CDAQ) inspected West Park Shell located at 13960 Lorain 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.

Pump #7 did not have a CARB certified breakaway installed between the whip and nozzle hose. This is a violation of the Ohio Revised Code (ORC) section 3704.05(C) and the Ohio Administrative Code (OAC) rule 3745-21-09(DDD)(1)(b)(i).

Additionally, due to damage done to dispensers #3 and #4, annual testing has not been conducted. At the time of the site visit, documentation was provided indicating that the new dispensers would be installed the week of 5/30/11.

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that West Park Shell install a CARB certified breakaway between the whip and nozzle hose and provide documentation of the completed installation to the following enforcement representative along with annual test results:

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

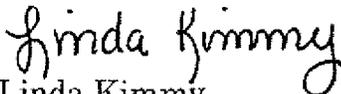


Your written response to this letter must be received by CDAQ within thirty (30) days of your receipt of this letter. If there is insufficient time to correct the alleged violations within this timeframe, your response must include a timeline for correcting the alleged violations.

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 Dave DeChant at 216-664-3213. All correspondence with CDAQ must include the Ohio EPA facility identification number for West Park Shell: 13-18-00-6857.

Sincerely,


Linda Kimmy
Field Enforcement Manager

LK/dd

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