



City of Cleveland  
Frank G. Jackson, Mayor

Department of Public Health  
Division of Air Quality  
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Cleveland, Ohio 44114-1839  
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SERVING OHIO EPA AS AGENCY 13  
FOR CUYAHOGA COUNTY

CERTIFIED MAIL 7010 1870 0000 6591 2793  
RETURN RECEIPT REQUESTED

12/9/11

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

**FACILITY ID: 13-18-00-6857**  
**NOTICE OF VIOLATION FOLLOW-UP LETTER**

Dear Mr. LaManna:

On 6/1/11, the Cleveland Division of Air Quality (CDAQ) issued a Notice of Violation requiring West Park Shell to install a CARB certified breakaway between the whip and nozzle hose on pump #7, complete replacement of damaged dispensers #3 and #4, then provide documentation of the completed installation along with annual test results.

CDAQ is in receipt of paid invoices for the installation of dispensers #3 and #4 dated 6/29/11 and for the CARB certified breakaway dated 6/30/11.

However, on 7/28/11, West Park Shell conducted annual Stage II testing and failed to pass the Air-to-Liquid (A/L) Ratio test on dispensers #6 and #7. 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).

On 9/13/11, CDAQ received a fax from West Park Shell indicating that dispenser #6 was electronically down, not being used and scheduled to be repaired when dispenser #7 is replaced. A Traffic Crash Report from the Cleveland Police Department was included with the fax transmission detailing the events of 8/31/11 when a vehicle knocked dispenser #7 completely off its base. The fax further stated that resolution with the insurance company, and involved parties may take several months.

On 9/20/11, CDAQ issued a Receipt of Corrective Action Plan (RCAP) acknowledging the actions noted above and stipulating that West Park Shell complete necessary repairs, then conduct a re-test of the A/L Ratio test on dispensers #6 and #7 upon resolution of the investigation and insurance settlement.

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 and 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,

A handwritten signature in black ink that reads "Linda Kimmy".

Linda Kimmy  
Field Enforcement Manager, CDAQ

LK/dd

cc: John Paulian, Ohio EPA Central Office  
William MacDowell, U.S. EPA Region V  
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