



City of Cleveland
Frank G. Jackson, Mayor

Department of Public Health
Division of Air Quality
75 Erievue Plaza, Second Floor
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 6394
RETURN RECEIPT REQUESTED**

8/10/11

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

**FACILITY ID: 13-18-00-6857
RECEIPT OF CORRECTIVE ACTION PLAN: FAILURE TO USE CALIFORNIA AIR
RESOURCES BOARD (CARB) CERTIFIED COMPONENTS; FAILURE TO PASS STAGE
II VAPOR RECOVERY TESTING**

Dear Mr. LaManna,:

On 6/1/11, the Cleveland Division of Air Quality (CDAQ) issued a Notice of Violation requesting that West Park Shell 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).

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 complete necessary repairs, then conduct a re-test of the A/L Ratio test on dispensers #6 and #7, and 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 Erievue Plaza 2nd Floor
Cleveland, Ohio 44114-1839



If there is insufficient time to correct the alleged violations within this timeframe, please 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 West Park Shell: 13-18-00-6857.

Sincerely,

Linda Kimmy
Field Enforcement Manager, CDAQ

LK/dd

cc: John Paulian, Ohio EPA Central Office
William MacDowell, U.S. EPA Region V
Facility File and L:\Data\Facilities\1318006857\2011-5-25 RCAP 2.docx

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:

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

13-18-00-6857

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee

B. Received by (Printed Name) C. Date of Delivery

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

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 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
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2. Article Number

(Transfer from service label)

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