



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 7010 1870 0000 6591 2397
RETURN RECEIPT REQUESTED**

10/7/11

Mark Mustafa
Hanini Marathon #2
12808 Bellaire Rd.
Cleveland, OH 44135

FACILITY ID: 13-18-00-6863

NOTICE OF VIOLATION (NOV) and NOV FOLLOW-UP: Failure to pass Stage II Testing; Receipt of successful Stage II re-test results; Failure to obtain 2011 City Permit to Operate

Dear Mr. Mustafa:

On 9/27/11, the Cleveland Division of Air Quality (CDAQ) witnessed Stage II Vapor Recovery testing at Hanini Marathon #2 located at 5300 Superior Ave. in Cleveland. This letter serves as notification that you have operated sources in violation of the following applicable air statutes, air regulations or air permit conditions.

Hanini Marathon #2 conducted Static Leak (SL) and Air to Liquid Ratio (A/L) testing on 9/27/11. The SL test was successful however the A/L test failed on dispensers #5, and #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 is a violation of Ohio Revised Code (ORC) Chapter 3704.05(G) and OAC Rule 3745-21-09(DDD)(1)(c).

On 10/5/11, CDAQ received electronic copies of successful A/L re-test results for dispensers #5 and #6.

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.



Additionally, Hanini Marathon #2 has failed to obtain a 2011 City of Cleveland Permit to Operate. Please remit payment to:

City Permits Section
Division of Air Quality
75 Erieview Plaza, Suite 200
Cleveland, OH 44114-1839

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 Hanini Marathon #2: 13-18-00-6863.

Sincerely,

Linda Kimmy
Field Enforcement Manager

LK/dd

cc: George Baker, CDAQ
Michael J. Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
William MacDowell, USEPA Region V
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encl: 2011 City of Cleveland Air Contaminant Source Invoice