



City of Cleveland
Frank G. Jackson, Mayor

Department of Public Health
Division of Air Quality
75 Frieview Plaza, Suite 200
Cleveland, Ohio 44114-1839
216/664-2297 • Fax: 216/426-8047
www.clevelandhealth.org

SERVING OHIO EPA AS AGENCY 13
FOR CUYAHOGA COUNTY

CERTIFIED MAIL 7002 2030 0001 1807 9556
RETURN RECEIPT REQUESTED

October 30, 2009

Mike Mustafa
Hanini Marathon – Superior
5300 Superior Avenue
Cleveland, OH 44103

NON-HPV

FACILITY ID: 13-18-00-6863
NOTICE OF VIOLATION / NOTICE OF VIOLATION FOLLOW-UP: FAILING STAGE II
TESTS IN TWO CONSECUTIVE YEARS

Dear Mr. Mustafa:

On October 20, 2009, the Cleveland Division of Air Quality (CDAQ) received Stage II testing results for Hanini Marathon - Superior located at 5300 Superior Avenue in Cleveland. This letter serves as notification that you operated sources in violation of the following applicable air statutes, air regulations, or air permit conditions.

Hanini Marathon - Superior failed an Air-to-Liquid Test on pumps #1, #2, #5 and #6 on August 21, 2008 and again failed an Air-to-Liquid Test on pumps #1, #2, #5 and #6 on August 25, 2009. 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, were violations of OAC Rule 3745-21-09(DDD)(2)(1)(e) and Ohio Revised Code (ORC) Chapter 3704.05(G).

Retests were performed and passed on September 18, 2008 on pumps #1, #2, #5 and #6 and September 3, 2009 on pumps #1, #2, #5 and #6. While deficiencies that existed have been corrected, the failed Stage II tests in two consecutive years have caused your facility to be subject to the Ohio EPA Gasoline Dispensing Facility (GDF) Enforcement Policy. The above facts will be referred to the Ohio EPA for evaluation.



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 Hanini Marathon - Superior: 13-18-00-6863.

Sincerely,

George Baker
Chief of Enforcement

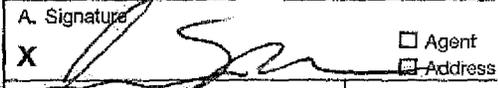
GB/AM IK

cc: Richard Nemeth and Michael J. Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
Lisa Holscher, U.S. EPA Region V
Facility File and L:\Data\Facilities\1318006863\2009-9-30 NOV.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.
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COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 X  Address

B. Received by (Printed Name) C. Date of Delivery
 11-06-09

1. Article Addressed to: ~~00-6863~~
 Mike Mustafa
 Hamid Marathon-Superior
 5300 Superior Avenue
 Cleveland, OH 44103

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

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