



City of Cleveland
Frank G. Jackson, Mayor

Department of Public Health
Division of Air Quality
75 Erieview 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 6141
RETURN RECEIPT REQUESTED**

September 16, 2011

Ali Allan
Hanini Marathon
3501 Lorain Avenue
Cleveland, Ohio 44113

NON-HPV

FACILITY ID: 13-18-00-6918

NOTICE OF VIOLATION: Failure to pass Air-to-Liquid ratio Stage II testing; Failure to post clear operating instructions in each gasoline dispensing area

Dear Mr. Allan:

On September 8, 2011, the Cleveland Division of Air Quality (CDAQ) witnessed Stage II vapor recovery testing at Hanini Marathon located at 3501 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.

Hanini Marathon failed to successfully pass an Air-to-Liquid (A/L) ratio test on all gasoline dispensers on pump #5. A/L ratio testing is required pursuant to Ohio Administrative Code (OAC) 3745-21-09(DDD)(2). The failure to successfully pass the testing requirements in 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 are also violations of OAC Rule 3745-21-09(DDD)(1) and Ohio Revised Code Section 3704.05 (G).

Additionally, operating instructions for the vapor control system were not conspicuously posted in each gasoline dispensing area. This is a violation of OAC Rule 3745-21-09(DDD)(1). Please note that OAC Rule 3745-21-09(DDD)(1)(d) specifies that operating instructions shall clearly describe how to properly fuel motor vehicles and shall specifically prohibit the "topping off" of the motor vehicle fuel tank.

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that Hanini Marathon make the necessary repairs to the vapor control equipment, conduct a retest of the A/L ratio on pump #5, and submit the test results within thirty (30) days to CDAQ.

Furthermore, CDAQ is requesting, in accordance with OAC Rule 3745-21-09(DDD)(1), that Hanini Marathon post appropriate operating instructions in each gasoline dispensing area, including the prohibition of "topping off" of the motor vehicle fuel tank, within fourteen (14) days of your receipt of this letter. If there is insufficient time to correct the alleged violations within this timeframe, you must submit a written request indicating the need for



more time and include a timeline for correcting the alleged violations. Please submit future correspondence related to the above noted violations, to the following enforcement representative:

Valerie Shaffer
Cleveland Division of Air Quality
75 Erieview Plaza 2nd Floor
Cleveland, Ohio 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.

Free assistance with state and/or federal regulations, rules, laws or permit conditions can be provided at no charge through the Ohio EPA Office of Compliance Assistance and Pollution Prevention (OCAPP). OCAPP can be contacted at <http://www.epa.ohio.gov/ocapp> or (614) 644-3469 or (800) 329-7518. CDAQ makes no guarantee that the facility will meet the qualifying guidelines established by OCAPP.

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 Valerie Shaffer at (216) 664-6292. All correspondence with CDAQ must include the Ohio EPA facility identification number for Hanini Marathon: 13-18-00-6918.

Sincerely,

A handwritten signature in cursive script that reads "Linda Kimmy".

Linda Kimmy
Field Enforcement Manager

LK/vls

cc: Mark Mustafa, Marathon
George P. Baker, CDAQ
Michael J. Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
William MacDowell, U.S. EPA Region V
Facility File and L:\Data\Facilities\1318006918\2011-09-08 NOV.docx

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ 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. 	<p>A. Signature <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee <i>X</i> <i>Ali Allan</i></p> <p>B. Received by (Printed Name) C. Date of Delivery <i>X</i> <i>ALI ALLAN</i> <i>2/20/11</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p><i>HANING MARTHON</i> <i>ATTN: Ali Allan</i> <i>3501 Lorain Ave.</i> <i>Cleveland, OH 44113</i></p>	<p>3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p><i>7003 1010 0004 2923 6141</i></p>