



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 6110
RETURN RECEIPT REQUESTED**

October 24, 2011

Ali Allan
Hanini Marathon
3501 Lorain Avenue
Cleveland, Ohio 44113

NON-HPV

FACILITY ID: 13-18-00-6918

**SECOND 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 16, 2011, the Cleveland Division of Air Quality (CDAQ) issued a Notice of Violation (NOV) to Hanini Marathon located at 3501 Lorain Avenue in Cleveland. The NOV served, as this second NOV does, as notification that you are operating sources in violation of the following applicable air statutes, air regulations, or air permit conditions.

On September 8, 2011, Hanini Marathon failed to successfully pass an Air-to-Liquid (A/L) ratio test on all gasoline grades 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.

On October 5, 2011, CDAQ received a letter, dated October 4, 2011, requesting more time for Hanini Marathon to complete the necessary work on the pumps to pass the necessary A/L Stage II testing. However, the time requested in the letter was for two weeks from the date of the letter. Accordingly, the necessary repairs and subsequent required A/L testing should have occurred on or before October 19, 2011.

To date, CDAQ has not received passing A/L testing results for pump #5; nor has testing been scheduled at 3501 Lorain Avenue in Cleveland. 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 and conduct a retest of the A/L ratio on pump #5 within fourteen (14) days of your receipt of this letter. Please note that testing results are required to be submitted to CDAQ within 30 days of testing.

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. Future correspondence related to the above noted violations, can be submitted 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,

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 2nd 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.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Havini Marathon
3501 Lorain Avenue
Cleveland, OH 44113

2. Article Number

(Transfer from service label)

7003 1010 0004 2923 6110

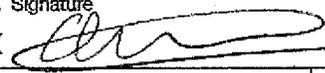
PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X 

Agent

Addressee

B. Received by (Printed Name)

Ala Allan

C. Date of Delivery

10/28/11

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below: No

3. Service Type

Certified Mail

Express Mail

Registered

Return Receipt for Merchandise

Insured Mail

C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

From

Hanin, Marathon

3501 Lorain Ave

Cleveland, OH 44113

(cell) 281-8740

(cell) 650-3061

OCT 5 2011

10/4/11

To whom it may concern

This letter is to Request
more time for Correcting the
~~the~~ necessary work needed to
Correct the test on the Pumps

Le petro has visited the station
and is working on Correcting
the work needed Thank you

Time needed is two weeks from

This date.