



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 7009 3410 0002 1933 8837  
RETURN RECEIPT REQUESTED**

June 16, 2010

Cheryl Anderson  
10202 Lorain Cleveland LLC  
1425 Mountain Dr. North  
Bethlehem, PA 18015

NON-HPV

**FACILITY ID: 13-18-00-6926**

**NOTICE OF VIOLATION : Failing Annual Stage II testing; Failure to provide proof of attendance and completion of training required by Ohio EPA; Failure to provide records of maintenance; Failure to provide proof of quantity of gasoline delivered in a calendar month**

Dear Ms. Anderson:

On June 10, 2010, the Cleveland Division of Air Quality (CDAQ) inspected 10202 Lorain Cleveland LLC located at 10202 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.

10202 Lorain Cleveland LLC is in violation of Ohio Administrative Code (OAC) Rule 3745-21-09(DDD)(1)(c) which states that no owner or operator of a gasoline dispensing facility (GDF) may cause, allow, or permit the transfer of gasoline from a stationary tank at a GDF into a motor vehicle unless the vapor control system successfully passes the testing requirements contained in OAC Rule 3745-21-09(DDD)(2).

10202 Lorain Cleveland LLC has failed to conduct Stage II testing as required by Ohio Administrative Code (OAC) Rule 3745-21-09(DDD)(2)(f) at the frequency specified in the California Air Resources Board (CARB) certification for the Stage II vapor recovery equipment. Executive Order G-70-150-AE states that the owner or operator of the installation shall conduct, and pass, an Air-to-Liquid (A/L) Ratio test as specified in TP-201.5 and a Static Pressure Decay (SL) test as specified in Exhibit 3, no later than 60 days after startup and at least once in each twelve month period thereafter. A blockage test and a Static Leak test were last conducted on June 23, 2009. An A/L Ratio test was last conducted on June 11, 2009.



10202 Lorain Cleveland LLC failed to maintain a log of the date and description of all repair and maintenance work and retain those records for a period of not less than three years in violation of Ohio Administrative Code (OAC) Rule 3745-21-09(DDD)(3)(iii) and OAC Rule 3745-21-09(DDD)(3)(b).

10202 Lorain Cleveland LLC failed to provide a Stage II compliance specialist certificate at the time of the inspection. This is a violation of OAC Rule 3745-21-09(DDD)(3)(a)(vi) which states; that any owner or operator of a gasoline dispensing facility must provide proof of attendance and completion of the training required by the Ohio EPA for the operator or local manager of the gasoline dispensing facility.

Additionally, 10202 Lorain Cleveland LLC failed to provide documentation of the quantity of gasoline delivered to the facility in a calendar month. This is a violation of OAC Rule 3745-21-09(DDD)(3)(a)(i) which states; that any owner or operator of a gasoline dispensing facility must provide proof of the quantity of gasoline delivered to the facility during each calendar month.

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that 10202 Lorain Cleveland LLC complete the following requirements:

- Complete annual Stage II testing and submit test results
- Submit a copy of a Stage II compliance specialist certificate for 10202 Lorain Cleveland LLC once the required training has been completed
- Submit a corrective action plan stating how records of maintenance will be maintained in the future for a period of not less than three years and be made available to the director or any authorized representative of the director for review during normal business hours

Each of these items needs to be completed within 30 days of receipt of this letter to the following enforcement representative:

Megan Murphy  
Cleveland Division of Air Quality  
75 Erieview Plaza 2<sup>nd</sup> Floor  
Cleveland, Ohio 44114-1839

If there is insufficient time to correct the alleged violations within this timeframe, a written response which includes a timeline for correcting the alleged violations, must be received 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 Megan Murphy at 216-664-4258. All correspondence with CDAQ must include the Ohio EPA facility identification number for 10202 Lorain Cleveland LLC: 13-18-00-6926.

Sincerely,

*Linda Kimmy for G.B.*

George Baker  
Chief of Enforcement

GB/mm

cc: Michael J. Krzywicki, CDAQ  
John Paulian, Ohio EPA Central Office  
Lisa Holscher, U.S. EPA Region V  
Facility File and L:\Data\Facilities\1318006926\2010-6-10 NOV.doc

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, a. 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:

Cheryl Anderson  
 Lehig 246  
 1425 Mountain Dr. N  
 Bethlehem, PA 18015

2. Article Number

(Transfer from service label)

7009 3410 0002 1933 8837

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X Cindy Baran  Agent  
 Addressee

B. Received by (Printed Name)

Cindy Baran  Agent  
 Addressee

C. Date of Delivery

2/23/10

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