



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 6165
RETURN RECEIPT REQUESTED**

September 6, 2011

Charlie Harb
Liberty Gas
14510 Kinsman Road
Cleveland, Ohio 44120

NON-HPV

FACILITY ID: 13-18-00-7067

NOTICE OF VIOLATION : Failure to post clear operating instructions in each gasoline dispensing area; failure to operate vapor control system free of defects

Dear Mr. Harb:

On August 26, 2011, the Cleveland Division of Air Quality (CDAQ) inspected Liberty Gas located at 14510 Kinsman Road 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.

Liberty Gas is operating its gasoline dispensing facility in violation of Ohio Administrative Code (OAC) Rule 3745-21-09(DDD)(1)(b)(iii) and (d), in that, the nozzle boot on pump #1 was severely torn and operating instructions for the vapor control system were not conspicuously posted in each dispensing area. The above noted violations are also violations of Ohio Revised Code Chapter 3704.05(G). Additionally, 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.

Furthermore, CDAQ is requesting the replacement of the gasoline dispensing hose on pump #6, which showed significant signs of wear during CDAQ's visual inspection on August 26, 2011.

Moreover, Liberty Gas is also operating in violation of City of Cleveland Codified Ordinances 259.01 and 263.01, for failing to obtain a City of Cleveland permit-to-operate by submitting a City of Cleveland Air Contaminant Source fee for 2010. A copy of the 2010 invoice is included with this letter.



Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ is requesting, in accordance with OAC rule 3745-21-09(DDD)(1), that Liberty Gas post appropriate operating instructions in each gasoline dispensing area, including the prohibition of "topping off" of the motor vehicle fuel tank; replace the nozzle on pump #1; and, replace the dispensing hose on pump #6. Compliance with the above noted items shall be completed 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 letter indicating the need for more time and include a timeline for correcting the alleged violations, to the following enforcement representative:

Valerie Shaffer
Cleveland Division of Air Quality
75 Erieview Plaza 2nd Floor
Cleveland, Ohio 44114-1839

In addition, CDAQ requests that Liberty Gas obtain a 2010 City of Cleveland permit-to-operate by submitting City of Cleveland Air Contaminant Source fees for 2010, within thirty (30) days of receipt of this letter to the following address:

City Permit Fee Invoices
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.

OCAPP can also provide assistance to facilities that want to investigate methods of pollution prevention to reduce raw material usage and waste production. Again, there is no charge for their services.



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 Liberty Gas: 13-18-00-7067.

Sincerely,

Linda Kimmy
Field Enforcement Manager

LK/vls

cc: 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\1318007067\2011-08-26 NOV.docx

encl: 2010 City of Cleveland Air Contaminant Source Invoice



City of Cleveland
Frank G. Jackson, Mayor

Department of Public Health
Division of Air Quality
75 Erieview Plaza, Suite 200
Cleveland, Ohio 44114-1839

FINAL NOTICE

August 25, 2011

2010 City of Cleveland Air Contaminant Source Invoice

Liberty Gas (formerly Mo's Sunoco IV; formerly Mo's Shell I; formerly Kinsman Sunoco)

Facility ID:
13-18-00-7067

Facility Location:
14510 Kinsman Road
Cleveland Ohio 44120

*pd
8/24/11 - ANAK
per
CAS*

Source	Air Contaminant Source Name and Description	Fee
G001	Stage 1 and Stage 2 Gasoline Dispensing Facility: Wayne/Dresser-Wayne	\$50.00

Total Fee for Facility: \$50.00 Amount Paid:

13-18-00-7067

By signing this form, I affirm, based on information and belief formed after reasonable inquiry, that all factual statements in this report are true and complete to the best of my knowledge, and that all judgments and estimates provided in this report have been made in good faith. I further affirm that this listing comprises a complete listing of all air contaminant sources at this facility, or that I have enclosed permit application forms addressing all air contaminant sources not listed. I understand that the data provided in this document is used by the City of Cleveland to calculate a fee, which my facility is required to pay under Chapter 263 of the City of Cleveland Health Code.

Signature of Responsible Official: _____

Amount Remitted

Name (please print)

Title (please print)

Phone Number (please print)

Please return this Air Contaminant Source Invoice bearing an original signature as well as any additional permit applications along with the Total Fee for Facility shown above to:

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

Payment must be received
within 30 days:

Funds must be made
payable to:
Treasurer, City of
Cleveland.

THANK YOU!

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:

Liberty GAS
 Charlie Hamb
 14510 Kinsman Rd
 Cleveland, OH 44120

2. Article Number

*(Transfer from service label)***COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X *L.S. Brown* Agent AddressB. Received by (*Printed Name*)*L.S. Brown*

C. Date of Deliv

X *9/10*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

7003 1010 0004 2923 6165