



City of Cleveland
Frank G. Jackson, Mayor

Department of Public Health
Division of Air Quality
75 Erievue 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 1934 0908
RETURN RECEIPT REQUESTED**

September 9, 2010

Henry Serrat
Henry's Marathon
3106 Fulton Road
Cleveland, OH 44109

NON-HPV

**FACILITY ID: 13-18-00-7183
NOTICE OF VIOLATION : Failing Annual Stage II testing**

Dear Mr. Serrat:

On September 7, 2010, the Cleveland Division of Air Quality (CDAQ) witnessed annual Stage II testing at Henry's Marathon located at 3106 Fulton 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.

Henry's Marathon conducted annual Stage II testing on September 7, 2010. The Static Leak test passed at this time. The Air-to-Liquid Ratio test was also conducted at this time. Dispensers #1, #2, #3, #4, #5, #7, #8, #9, and #10 passed at this time. Dispenser #6 failed due to a non functioning vac motor. The failure to successfully pass the testing requirements 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 are violations of Ohio Revised Code (ORC) Section 3704.05(G) and OAC Rule 3745-21-09 (DDD)(1)(b) and (c).

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that Henry's Marathon make the necessary repairs to dispenser #6 then conduct a re-test of the A/L Ratio test, then submit test results within thirty (30) days to the following enforcement representative:

Megan Murphy
Cleveland Division of Air Quality
75 Erievue Plaza 2nd 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 Henry's Marathon: 13-18-00-7183.

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\1318007183\2010-9-7 NOV.doc

SENDER: COMPLETE THIS SECTION

- Complete items 1 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:

Henry Serrat
 Henry's Marathon
 3106 Fulton Rd.
 Cleveland, OH 44109

2. Article Number
(Transfer from service label)

7009 3410 0002 1934 1189

COMPLETE THIS SECTION ON DELIVERY

Signature  Agent
 Address

B. Received by (Printed Name) C. Date of Delivery
 ANGELA CROSS 11/1/10

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

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:

Henry Serrat
 Henry's Marathon
 3106 Fulton Rd.
 Cleveland, OH 44109

2. Article Number
(Transfer from service label)

7009 3410 0002 1934 0908

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Address
 B. Received by (Printed Name) C. Date of Delivery
 ANDREA CROWE 9/15/10

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