



City of Cleveland

Frank C. 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 18
FOR CUYAHOGA COUNTY

CERTIFIED MAIL 7003 1010 0004 2923 3010
RETURN RECEIPT REQUESTED

12/2/09

Steve Teye
Midtown Clark
5400 Euclid Ave.
Cleveland, OH 44103-3708

NON-HPV

FACILITY ID: 18-18-00-7302

NOTICE OF VIOLATION: Failing annual Stage II compliance test

Dear Mr. Teye:

On 10/27/2009, the Cleveland Division of Air Quality (CDAQ) inspected the Midtown Clark gasoline dispensing facility located at 5400 Euclid 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.

CDAQ has determined that Midtown Clark failed to successfully perform static leak and air-to-liquid ratio tests on dispensers #1, #3, #4, #5 and #6 as stipulated in Ohio Administrative Code (OAC) Rule 3745-21-09(DDD)(2). The failure to successfully pass the testing requirements specified in OAC Rule 3745-21-09(DDD)(2) while causing, allowing or permitting the transfer of gasoline from a stationary storage tank to a motor vehicle are violations of the Ohio Revised Code (ORC) Section 3704.05(G) and OAC Rule 3745-21-09(DDD)(1)(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 Midtown Clark make the necessary repairs to dispensers #1, #3, #4, #5 and #6, then re-test the static leak and the A/L ratio on dispensers #1, #3, #4, #5 and #6 and submit the test results within thirty (30) days as stipulated in OAC Rule 3745-21-09(DDD)(2)(c) to the following enforcement representative:



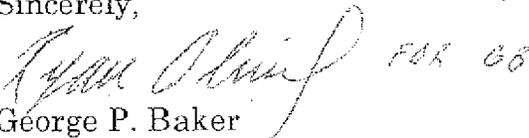
David Wagner
Cleveland Division of Air Quality
75 Erieview Plaza, 2nd Floor
Cleveland, OH 44114-1839

If there is insufficient time to correct the alleged violations within this timeframe, a written response that 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 ORC Section 3704.99(A), which allows fines of not more than \$25,000 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. If you have any questions, please call David Wagner at 216/664-3004 or Ryan Olinek at 216/664-3315. All correspondence with CDAQ must include the Ohio EPA facility identification number for Midtown Clark: 13-18-00-7302.

Sincerely,



George P. Baker
Chief of Enforcement

GPB/dlw

cc: Richard Nemeth and Michael J. Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
Lisa Holscher, U.S. EPA Region V
Facility File and L:\Data\Facilities\1318007302\2009-10-27 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: — 00-7302 NDV
 STEVE TAYE
 MIDTOWN CLARK
 5400 EUCLID AVE
 CLEVELAND OH 44103

2. Article:
 (Transit) 7003 1010 0004 2923 3010

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 JR. SMITH Address

B. Received by (Printed Name) JR. SMITH C. Date of Delivery

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