



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 7003 1010 0004 2923 5304  
RETURN RECEIPT REQUESTED**

January 22, 2010

Clydie Nelson  
St. Clair Shell  
12307 St. Clair Avenue  
Cleveland, OH 44108

NON-HPV

FACILITY ID: 13-18-00-7497

**SECOND NOTICE OF VIOLATION: Failure to perform and pass annual Stage II testing**

Dear Ms. Nelson:

On September 22, 2009, the Cleveland Division of Air Quality (CDAQ) issued a Notice of Violation (NOV) to St. Clair Shell for failing to obtain city permits to operate by submitting city permit fees for 2006, 2007, 2008 and 2009 and failing to perform annual Static Leak and Air-to-Liquid Ratio tests. City permit fees were received on November 4, 2009.

On November 5, 2009, St. Clair Shell performed annual Stage II testing and failed the Static Leak test and Air-to-Liquid Ratio tests on pumps #1 through #8.

On November 6, 2009, CDAQ issued a Receipt of Corrective Action Plan (RCAP) stating that St. Clair Shell was expected to perform a Static Leak retest and Air-to-Liquid Ratio retest on pumps #1 through #8 by December 5, 2009.

This letter serves as notification that you are still operating sources in violation of the following applicable air statutes, air regulations, or air permit conditions.

St. Clair Shell's failure to perform and successfully pass the testing requirements specified 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 is a violation of Ohio Revised Code Section 3704.05(G), OAC Rule 3745-21-09(DDD)(1)(c) and OAC Rule 3745-21-09(DDD)(2)(f).



St. Clair Shell is expected to perform and pass the required annual Stage II testing (Static Leak retest and Air-to-Liquid Ratio retest on pumps #1 through #8) and submit the retest results to CDAQ within thirty (30) days of receipt of this letter. Failure to do so may result in referral to Ohio EPA or U.S. EPA for further enforcement action. Fulfillment of your commitments included in the corrective action plan and/or any modifications contained within this letter does not constitute a waiver of CDAQ's ability to refer this matter to Ohio EPA or U.S. EPA for further enforcement action. Please submit any future correspondence related to this matter to the following enforcement representative:

Andrew Marantides  
Cleveland Division of Air Quality  
75 Erieview Plaza 2<sup>nd</sup> 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.

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 Andrew Marantides at (216) 420-8049. All correspondence with CDAQ must include the Ohio EPA facility identification number for St. Clair Shell: 13-18-00-7497.

Sincerely,

*Lynda Kimmy for G.B.*  
George Baker  
Chief of Enforcement

GB/AM

cc: Michael J. Krzywicki, CDAQ  
John Paulian, Ohio EPA Central Office  
Lisa Holscher, U.S. EPA Region V  
Facility File and L:\Data\Facilities\1318007497\2009-9-15 2nd NOV.docx

**SENDER COMPLETE THIS SECTION**

1 Complete Items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.  
2 Print your name and address on the reverse so that we can return the card to you.  
3 Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:  
Clydie Nelson  
St. Clair Shell  
12307 St. Clair Avenue  
Cleveland, OH 44103

**COMPLETE THIS SECTION (DELIVER)**

A. Signature  Agent  
*Clydie M. Nelson*  Addressee

B. Received by (Printed Name) C. Date of Delivery  
*Clydie Nelson* *1/28/10*

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

Article Number (Transfer from service label) **7003 1010 0004 2923 5304**