



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 #70022030000118088329  
RETURN RECEIPT REQUESTED

December 30, 2009

Sam Kaila  
Clark Sunoco  
1303 Clark Avenue  
Cleveland, OH 44109

NON-HPV  
EMISSIONS VIOLATION

FACILITY ID: 13-18-00-7516

**NOTICE OF VIOLATION:** Failing annual Stage II compliance test, failing to provide annual Stage II compliance test results and failing to obtain 2006, 2007 and 2008 city permits

Dear Mr. Kaila:

On November 11, 2009, the Cleveland Division of Air Quality (CDAQ) inspected Clark Sunoco located at 1303 Clark 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.

On November 11, 2009, Clark Sunoco failed a Static Leak test. 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 is a violation of Ohio Revised Code (ORC) Section 3704.05 (G) and OAC Rule 3745-21-09 (DDD)(1)(c).

Clark Sunoco retested and passed the Static Leak test in accordance with the testing requirements in OAC Rule 3745-21-09 (DDD)(2) on December 7, 2009.

Clark Sunoco is also in violation of OAC 3745-21-09 (DDD)(2)(c) for not having provided CDAQ copies of Stage II test results from tests performed on October 14, 2008, and November 11, 2009.

In addition, Clark Sunoco is in violation of City of Cleveland Codified Ordinances 259.01 and 263.01 for failure to obtain city permits to operate for the years 2006, 2007 and 2008 by submitting city permit fees.



CDAQ requests that Clark Sunoco submit annual Stage II compliance test results that were performed at Clark Sunoco on October 14, 2008, November 11, 2009, and December 7, 2009, within 14 days of receipt of this letter to the following enforcement representative:

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

CDAQ also requests that Clark Sunoco obtain city permits to operate by submitting city permit fees for calendar years 2006, 2007 and 2008 within 14 days of receipt of this letter to the following address:

City Permit Fee Invoices  
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, your written response must include a timeline for correcting the alleged violations within 14 days of receipt of this letter.

Failing a required Stage II test in two consecutive years subjects your facility to the Ohio EPA's Enforcement Policy for Gasoline Dispensing Facilities. This issue will be addressed in a separate correspondence.

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 Kenney at 216-420-7683. All correspondence with CDAQ must include the Ohio EPA facility identification number for Clark Sunoco: 13-18-00-7516.

Sincerely,

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

GB/ak

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\1318007516\2009-11-11 NOV.doc

encl: City permit fee invoices for calendar years 2006, 2007 and 2008

**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:  
Sam Kavka  
Clark Sumner  
1303 Clark Ave  
Cleveland OH 44109

2. Article Number (To from) 7002 2030 0001 1808 8329

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 *Sanbaker*  Address

B. Received by (Printed Name) C. Date of Delivery  
1-6-76

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