



City of Cleveland
Frank G. Jackson, Mayor

Department of Public Health
Division of Air Quality
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Cleveland, Ohio 44114-1839
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SERVING OHIO EPA AS AGENCY 13
FOR CUYAHOGA COUNTY

CERTIFIED MAIL 7002 2030 0001 1807 9365
RETURN RECEIPT REQUESTED

January 5, 2010

Mohammad Al Ahmad
Open Pantry
5222 Fleet Avenue
Cleveland, OH 44105

NON-HPV

FACILITY ID: 13-18-00-7929

NOTICE OF VIOLATION: FAILING STAGE II TESTS IN CONSECUTIVE YEARS

Dear Mr. Al Ahmad:

On November 6, 2008, and November 17, 2009, the Cleveland Division of Air Quality (CDAQ) received Stage II test results for Reham Food Mart, Inc. located at 7910 Harvard Avenue in Cleveland. This letter serves as notification that you have operated sources in violation of the following applicable air statutes, air regulations, or air permit conditions.

Reham Food Mart, Inc. failed an Air-to-Liquid Ratio Test on pump #3 on September 15, 2008, and again failed an Air-to-Liquid Ratio Test on pumps #3 and #4 on September 15, 2009. Each failure to 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, were violations of and Ohio Revised Code (ORC) Chapter 3704.05(G) and OAC Rule 3745-21-09(DDD)(1)(c).

Retests were performed and passed on October 7, 2008, on pump #3 and September 15, 2009, on pumps #3 and #4. While deficiencies that existed have been corrected, the failed Stage II tests in two consecutive years have caused your facility to be subject to the Ohio EPA Gasoline Dispensing Facility (GDF) Enforcement Policy. The above facts will be referred to the Ohio EPA for evaluation.



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 Reham Food Mart, Inc.: 13-18-00-7929.

Sincerely,

Linda Kimmy for G.B.

George Baker
Chief of Enforcement

GB/AM

cc: Michael J. Kryzwicki, CDAQ
John Paulian, Ohio EPA Central Office
Lisa Holscher, U.S. EPA Region V
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