



City of Cleveland
Frank G. Jackson, Mayor

Department of Public Health
Division of Air Quality
75 Erieview Plaza, Suite 200
Cleveland, Ohio 44114-1839
216/564-2297 • Fax: 216/420-8047
www.clevelandhealth.org

**SERVING OHIO EPA AS AGENCY 13
FOR CUYAHOGA COUNTY**

**CERTIFIED MAIL 7009 3410 0002 1934 0458
RETURN RECEIPT REQUESTED**

July 13, 2010

Samir Mohammad
MKS Holdings, LLC
Liberty Gas
13939 Lorain Ave.
Cleveland, OH 44111

NON-HPV

FACILITY ID: 13-18-00-7941

SECOND NOTICE OF VIOLATION : Failing annual Stage II testing; Failure to conspicuously post fueling instructions which state "Do Not Top Off"

Dear Mr. Mohammad:

On April 27, 2010, the Cleveland Division of Air Quality (CDAQ) issued a Notice of Violation (NOV) to Liberty Gas located at 13939 Lorain Road in Cleveland. This NOV is being re-sent to MKS Holdings, LLC because there was a facility ownership change on May 1, 2010. This letter serves as a second notification that you are operating a source in violation of the following applicable air statutes and air regulations.

On April 23, 2010, Liberty Gas failed an Air-to-Liquid Ratio (A/L) test on dispensers #1 and #2. 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 is a violation of Ohio Revised Code (ORC) Chapter 3704.05(G) and OAC Rule 3745-21-09(DDD)(1)(c). The Static Leak (SL) and blockage tests passed at this time.

Additionally, Liberty Gas failed to conspicuously post operating instructions on each dispenser in violation of OAC Rule 3745-21-09(DDD)(1)(d). Fueling instructions must clearly state, "Do Not Top Off" the motor vehicle fuel tank.

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that Liberty Gas make the necessary repairs to dispensers #1 and #2, conduct a re-test of the Air-to-Liquid Ratio test and submit test results within fourteen (14) days of receipt of this letter to the following enforcement representative:

**CLEVELAND DIVISION OF AIR QUALITY**75 ERIEVIEW PLAZA 2ND FLOOR • CLEVELAND, OH 44114-1839

Page 2

R: 01/07/2007

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

CDAQ also requests Liberty Gas post operating instructions on each dispenser within fourteen (14) days of receipt of this letter.

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 fourteen (14) days of receipt of this letter.

In addition, a Letter of Warning (LOW) was issued to Liberty Gas USA on September 14, 2009 as notification that Liberty Gas is operating sources in violation of City of Cleveland Codified Ordinances 259.01 and 263.01 for failure to obtain city permits-to-operate by submitting city permit fees for calendar years 2006, 2007, 2008 and 2009. A second LOW was issued to Liberty Gas on November 5, 2009. MKS Holdings, LLC is still expected to obtain city permits-to-operate by submitting city permit fees for calendar years 2006, 2007, 2008, and 2009.

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 Liberty Gas: 13-18-00-7941.

Sincerely,

George Baker 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\1318007941\2010-4-23 2nd NOV

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:

Samir Mohammad
MKS Holdings, LLC
13939 Lorain Ave.
Cleveland, OH 44111

2. Article Number
(Transfer from service label)

7009 3410 0002 1934 0458

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Tony Danner Agent Addressee

B. Received by (Printed Name)

Tony Danner

C. Date of Delivery

7/16

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