



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 #70022030000118088428
RETURN RECEIPT REQUESTED**

January 8, 2010

John Daher
Freeway Sunoco
15504 Waterloo Road
Cleveland, OH 44110

FACILITY ID: 13-18-00-8353

**NOTICE OF VIOLATION / NOTICE OF VIOLATION FOLLOW-UP LETTER:
FAILING 2009 STAGE II TESTING**

Dear Mr. Daher:

On December 8, 2009, the Cleveland Division of Air Quality (CDAQ) received Stage II test results for Freeway Sunoco located at 15504 Waterloo Road 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.

Freeway Sunoco failed the Static Leak Test on August 20, 2009. The 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, was a violation of Ohio Revised Code (ORC) Chapter 3704.05(G) and OAC Rule 3745-21-09(DDD)(1)(c).

A retest was performed and passed on October 1, 2009. Appropriate steps were taken to bring the source into compliance. CDAQ has determined that no further enforcement action is warranted at this time, but reserves its right to take such action in the future if necessary.

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 and 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 Freeway Sunoco: 13-18-00-8353.

Sincerely,

Linda Rommey for G.B.

George Baker
Chief of Enforcement, CDAQ

GB/ak

cc: John Paulian, Ohio EPA Central Office
Lisa Holscher, U.S. EPA Region V
Facility File and L:\Data\Facilities\1318008353\2009-9-15 NOVFL.doc

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:

John Daher
Freeway Junction
15504 Waterloo Rd
Cleveland, OH 44110

2. Article Number
(If different from seal)

7002 2030 0001 1808 8428

Postmark: August 2001

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee

B. Received by (Printed Name) 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
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